

H. B. No. 439, "An Act to amend Article 6674-n, Revised Civil Statutes of Texas of 1925, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature, General Laws, page 622; conferring upon the State Highway Commission the right of eminent domain, acting by and through the Attorney General of the State of Texas, to condemn land for right of way in connection with the construction of a designated State highway; providing for filing of suits by the State Highway Commission, acting by and through the Attorney General of the State of Texas, in Travis County, for the purpose of securing such right of way; providing for following same procedure in Travis County as set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of Texas of 1925; limiting the right of the State Highway Commission to condemn such right of way to cases where the commissioners court has failed or refused to acquire such right of way by purchase or condemnation; repealing all laws or parts of laws in conflict herewith; providing that should any part of this Act be held to be unconstitutional or void same shall not affect the remainder hereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 820, "An Act providing a new article of Title 26, of the Revised Civil Statutes of Texas, of 1925, to be hereafter known as Article 930-b of said Title 26, as amended by Chapter 66 of the General and Special Laws of the Forty-third Legislature, Second Called Session, House Bill No. 122, which Article 930-b shall provide that, where prior to March 15, 1934, the effective date of said House Bill No. 122 of said Second Called Session of the Forty-third Legislature, any person or persons, co-partnership, corporation, concern or association had purchased a body or tract of land for cemetery purposes or for any of the purposes expressed in said Title 26, and had prior to said

March 15, 1934, entered into contracts or written obligations to use said land for such purposes contemplated by said Title 26 for cemetery purposes, or having executed and/or sold, prior to said date, stock subscriptions or other instruments in writing evidencing such intention to use said land or lands for cemetery purposes, all of such body or tract of land so purchased prior to said March 15, 1934, shall be exempt from the provisions of Article 930 and Article 930-a of said Title 26, provided that, at the time said body or tract of land was purchased, and at the time said contracts or written obligations were entered into, or said stocks or subscriptions were issued or sold, a graveyard, cemetery, mausoleum and/or crematory could, under the law of this State, have been legally established, used and operated upon such body or tract of land, so purchased, or upon a part thereof, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 835, "An Act amending Article 7260, Revised Civil Statutes of Texas of 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

## SIXTY-FIFTH DAY

(Tuesday, May 7, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Bergman
Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Broyles
Alsup	Burton
Ash	Butler of Brazos
Atchison	Butler of Karnes

Cagle	Lange
Caldwell	Lanning
Calvert	Latham
Canon	Leath
Celaya	Lemens
Clayton	Leonard
Collins	Lindsey
Colquitt	Lotief
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKee
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Padgett
Fain	Palmer
Fisher	Patterson
Ford	Payne
Fox	Petsch
Frazer	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hanna	Roark
Hardin	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Head	Rutta
Herzik	Scarborough
Hill	Settle
Hodges	Shofner
Hofheinz	Smith
Holland	Spears
Hoskins	Steward
Howard	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Waggoner
Jefferson	Walker
Jones of Atascosa	Wells
Jones of Falls	Westfall
Jones of Runnels	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
King	Youngblood
Knetsch	
Stanfield	Absent

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Lord, in these remaining days, may our purposes be high and our vision clear, to the end that with Thy guidance and blessing we may conclude our labors and bring about results that will be not only creditable and helpful, but will be to the glory of Thy name. For Christ's sake. Amen."

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hartzog for today, on motion of Mr. Harris of Dallas.

Mr. Farmer for today, on motion of Mr. Fox.

The following members were granted leaves of absence on account of illness:

Mr. Fitzwater for today, on motion of Mr. Stovall.

Mr. Venable for today, on motion of Mr. Stovall.

Mr. Beck was granted temporary leave of absence on account of illness, on motion of Mr. Morrison.

ADOPTING CERTAIN LYRIC AS  
"THE SPIRIT OF TEXAS"

Mr. Lotief offered the following resolution:

Whereas, The State of Texas is rich in noble tradition and history, the story of its settlement, subsequent independence, and final status as one of the States of these great United States, being a narrative replete with glorious exploits of daring and bravery; and

Whereas, These happenings truly exemplify a spirit unrivaled in perseverance, courage, and noblesse; and

Whereas, A Texan has seen fit to chronicle and perpetuate this spirit in a beautiful poem, being so generous and altruistic as to present it to the people of Texas; be it

Resolved, That the House of Representatives of the State of Texas hereby designates the lyric as embody-

ing the Spirit of Texas, and that it be so named; and be it further

Resolved, That a copy of this resolution, together with a copy of the poem herein referred to, be spread upon the House Journal of today, and that a certified copy of same be furnished the Governor, Lieutenant Governor, and Speaker of the House of Representatives of the State of Texas, and that copies be sent to the Library of the State of Texas, and the State Press.

The resolution was read second time, and was adopted.

The following poem is printed in accordance with the provisions of the above resolution:

#### THE SPIRIT OF TEXAS

This "Empire of Texas" tradition relates,  
Was founded by heroes from all other States.

In old covered wagons with principles true,

Came pioneer spirits (their families, too)

Like Austin and Houston, to this virgin soil,

And founded this "empire" with blood and with toil.

Then o'er this fair land where those heroes repose,

The "Spirit of Texas" and Lone Star arose.

The spirit of Texas: Let's honor it then,

Because it ennobles our women and men,

No greater love ever has any man known

Than that which our heroes of Texas have shown

For freedom of Texas and Liberty's cause,

Our great institutions, traditions and laws.

With character stalwart and purposes true,

They builded far better than even they knew.

This Spirit led Crockett of Alamo fame,

Who died for our freedom. We honor his name.

This Spirit has hallowed our blue Southern skies;

Has welded our people with true, sacred ties;

And out in the spaces where blue-bonnets grow,

On mountains, in valleys—wherever you go—

You find this great Spirit in Texans from birth,

Which makes them our heroes—the salt of the earth.

The glory of Athens, the pride of all Greece,

Its culture and triumphs in war and in peace,

Though founded on justice and Liberty's creed,

Were ruined by selfish and tyrannous greed.

Her glory in ruins, by selfishness wrought,

Is food for all Texans' most serious thought.

This "Spirit of Texas" all systems indicts,

Which value the dollar above human rights.

No armies could conquer the legions of Rome

When Romans were fighting for honor and home;

But Rome became greedy for power and wealth,

And avarice weakened her national health;

Then crime and corruption, the fruit of all greed,

Soon followed in sequence, as corn from the seed.

So Rome fell a victim of Vandals of Gaul,

And Romans and riches went down with the fall.

In Texas the farmer, the banker, the priest,

The cowboy, the statesman—the greatest and least—

Must stand on one level, and act on the square;

Must fight, if there needs be, must do and must dare,

The "Spirit of Texas" means justice to all;

Imbued with this Spirit, no nation can fall.

So glorify Texas and honor its name—

The "Spirit of Texas," let Texans proclaim!

—A Texan.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Patterson offered the following resolution:

H. C. R. No. 127, To suspend certain Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, That Rules 22, 23 and 32 of the Joint Rules of the House and Senate, be suspended for the purpose of allowing the House to take up and to consider, until disposed of, House Bills Nos. 843, 992 and 995.

The resolution was read second time, and was lost.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Colquitt offered the following resolution:

H. C. R. No. 128, To suspend certain Joint Rules to consider House Bill No. 464.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 23, 24 and 32 of the Joint Rules of the House and Senate, be, and the same are hereby, suspended for the purpose of considering, until finally disposed of, House Bill No. 464, allowing any competent, efficient physician to come into any tax exempt hospital at the request of the patient.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote:

#### Yeas—26

Ash	Hyder
Bourne	Jones of Falls
Caldwell	Jones of Shelby
Canon	Latham
Colquitt	McFarland
Cooper	Padgett
Cowley	Palmer
Craddock	Patterson
Duvall	Payne
Fain	Petsch
Ford	Reed of Bowie
Herzik	Steward
Hodges	Walker

#### Nays—86

Adamson	Butler of Karnes
Adkins	Collins
Aikin	Crossley
Alexander	Davis
Alsup	Davison of Fisher
Atchison	Dickison
Bergman	Dwyer
Bradbury	Fisher
Broyles	Fox
Burton	Frazer
Butler of Brazos	Gibson

Glass  
Graves  
Hankamer  
Hanna  
Hardin  
Harris of Archer  
Harris of Dallas  
Head  
Howard  
Huddleston  
Hunt  
Hunter  
Jackson  
James  
Jones of Runnels  
Jones of Wise  
Keefe  
King  
Knetsch  
Leath  
Lemens  
Lindsey  
Lotief  
Lucas  
Luker  
Mauritz  
McCalla  
McConnell  
McKee  
McKinney  
Moffett  
Moore

Morris  
Morrison  
Morse  
Newton  
Nicholson  
Olsen  
Quinn  
Reader  
Reed of Dallas  
Riddle  
Roach of Angelina  
Roach of Hunt  
Roane  
Roark  
Roberts  
Rogers  
Russell  
Rutta  
Shofner  
Smith  
Stinson  
Stovall  
Tennyson  
Thornton  
Tillery  
Waggoner  
Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley  
Young

#### Present—Not Voting

Bradford	England
Davison	
of Eastland	

#### Absent

Cagle	Holland
Calvert	Hoskins
Celaya	Jefferson
Clayton	Jones of Atascosa
Colson	Lange
Daniel	Lanning
Dunagan	Leonard
Dunlap of Hays	Pope
Dunlap of Kleberg	Scarborough
Fuchs	Settle
Good	Spears
Gray	Stanfield
Greathouse	Tarwater
Hill	Youngblood
Hofheinz	

#### Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Celaya offered the following resolution:

H. C. R. No. 129, To suspend certain Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 23, 24 and 32 of the Joint Rules of the House and Senate, be, and the same are hereby, suspended for the purpose of considering, until finally disposed of, House Bill No. 944, exempting turnpike and toll companies from intangible tax assessments, as recommended by the current State Tax Board report, on page 33.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 122, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 730 to conform to the body of said bill.

S. C. R. No. 53, Requesting the Governor's office to return Senate Bill No. 227 to the Senate for correction and further consideration.

The Senate has adopted, as amended

H. C. R. No. 119, Suspending Joint Rules 22, 23 and 32 until the final disposition of House Bill No. 601.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Gray offered the following resolution:

H. C. R. No. 130, To suspend certain Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 23, 24 and 32 of the Joint Rules of the House and Senate, be, and the same are hereby, suspended for the purpose of considering, until finally disposed of, House Bill No. 745.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULE

Mr. Broyles offered the following resolution:

H. C. R. No. 131, To suspend certain Joint Rule.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 23 be suspended for the purpose of taking up out of order House Bills Nos. 193 and 198, relative to amount of credit given prisoners who are serving their fines out in jail.

BROYLES,  
MORRIS.

The resolution was read second time, and was adopted.

#### PROVIDING FOR PORTRAIT OF MISS MILDRED CANON TO BE PLACED IN THE HALL OF THE HOUSE

Mr. Morse offered the following resolution:

Whereas, Miss Mildred Canon, daughter of Hon. C. C. Canon, during her earthly existence served the House of Representatives of the Forty-second Legislature in an official capacity; and

Whereas, By her charming grace Miss Canon brightened the minds and hearts of those members with whom she was daily associated; and

Whereas, It is the desire of those members of the House who knew Miss Canon best that some likeness of Miss Canon be placed in the Hall of the House; now, therefore, be it

Resolved, That a picture of Miss Canon, with suitable inscription, be added to the group picture of the Forty-second Legislature, the same to be done under the direction of the committee in charge of arrangements for the group picture of the present House.

Signed—Morse, Celaya, Stevenson, Aikin, Graves, Daniel, Hodges, Jones of Atascosa, Walker, Moffett, Jackson, Holland, Olsen, Hoskins, Steward, Moore, Ford, Jones of Falls, Alsup, Dwyer, Adamson, Petsch, Nicholson, Dunlap of Kleberg, Herzik, Greathouse, Jones of Shelby.

Adkins, Alexander, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Cald-

well, Calvert, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Davis, Davisson of Eastland, Davison of Fisher, Dickison, Dunagan, Dunlap of Hays, Duvall, England, Fain, Farmer, Fisher, Fitzwater, Fox, Frazer, Fuchs, Gibson, Glass, Good, Gray, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Hill, Hofheinz, Howard, Huddleston, Hunt, Hunter, Hyder, James, Jefferson, Jones of Runnels, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Morris, Morrison, Newton, Padgett, Palmer, Patterson, Payne, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Worley, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

Mr. Latham, being recognized by the Speaker, expressed appreciation, on behalf of Mr. Canon, to the members of the House for the above action.

#### HOUSE CONCURRENT RESOLUTION NO. 119 WITH SENATE AMENDMENTS

Mr. McKinney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 119, Suspending certain Joint Rules for the purpose of considering House Bill No. 601.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. McKinney, the House concurred in the Senate amendments.

#### RECALLING SENATE BILL NO. 227 FROM GOVERNOR'S OFFICE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 53, Recalling Senate Bill No. 227 from the Governor's Office.

Whereas, Senate Bill No. 227 was recently passed by both the Senate and the House and is now on the desk of the Governor; and

Whereas, Certain defects have shown up in the enrollment of said bill, the corrections of which are necessary before the Governor is justified in signing the same; and

Whereas, The Governor of Texas has requested that certain changes be made in said bill and further considered by the Senate and House of Representatives and sent back to him for his approval; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Hon. James V. Allred, Governor as aforesaid, be, and he is hereby, requested to return said Senate Bill No. 227 back to the Senate for correction and further consideration, and that the President of the Senate and the Speaker of the House be authorized to withdraw their signatures therefrom.

The resolution was read second time, and was adopted.

#### COMMITTEE TO SELECT POET LAUREATE OF TEXAS

The Speaker announced the appointment of the following committee to select Poet Laureate of Texas: Messrs. Walker and Wood of Montague.

#### CONFERENCE COMMITTEE ON SENATE BILL NO. 17

The Speaker announced the appointment of the following conference committee on Senate Bill No. 17: Messrs. McCalla, Greathouse, Adkins, McKinney, and Spears.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate

to inform the House that the Senate has adopted

H. C. R. No. 112, Suspending Joint Rule No. 23 for the purpose of taking up and finally disposing of House Bill No. 345.

H. C. R. No. 115, Suspending Joint Rules Nos. 22, 23 and 24 until the final disposition of House Bill No. 396 (exempting Y. M. C. A. and Y. W. C. A. from taxes).

H. C. R. No. 121, Suspending Joint Rules Nos. 23, 24 and 32 until the final disposition of House Bills Nos. 929 and 930.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 601 ON SECOND READING

The Speaker laid before the House (in accordance with House Concurrent Resolution No. 119), on its second reading and passage to engrossment,

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association, or corporation to pack for sale, sell, or offer for sale, wheat flour or other cereal flour, and corn meal only in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package, and making it unlawful for wheat flour, other cereal flour and corn meal to be packed for sale, offered for sale, or sold within this State unless it shall be so labeled, etc., and declaring an emergency."

The bill was read second time.

Mr. Hankamer offered the following amendments to the bill:

Amend House Bill No. 601, Section 1, page 1, line 26, by inserting the following language between the words "flour" and "shall": "except such cereals sold as grits."

HANKAMER,  
JACKSON.

Amend House Bill No. 601, Section 1, page 1, line 30, by inserting between the words "of" and "two" the following language: "one and one-half."

HANKAMER,  
JACKSON.

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 601 was then passed to engrossment.

#### HOUSE BILL NO. 601 ON THIRD READING

Mr. Greathouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 601 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson	Hanna
Adkins	Hardin
Aikin	Harris of Archer
Alexander	Harris of Dallas
Alsup	Head
Ash	Herzik
Bergman	Hodges
Bourne	Hofheinz
Bradbury	Holland
Bradford	Hoskins
Broyles	Howard
Burton	Huddleston
Butler of Brazos	Hunter
Butler of Karnes	Hyder
Caldwell	Jackson
Calvert	James
Canon	Jones of Atascosa
Clayton	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Knetsch
Cooper	Lanning
Cowley	Latham
Craddock	Leath
Daniel	Lindsey
Davison of Fisher	Lotief
Dickison	Lucas
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
Dwyer	McFarland
England	McKee
Fain	McKinney
Fisher	Moffett
Ford	Moore
Fox	Morris
Frazer	Morrison
Fuchs	Morse
Gibson	Newton
Glass	Padgett
Graves	Palmer
Greathouse	Patterson
Hankamer	Payne

Petsch	Spears
Quinn	Steward
Reader	Stovall
Reed of Bowie	Tarwater
Reed of Dallas	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Waggoner
Roark	Walker
Roberts	Wells
Russell	Westfall
Rutta	Wood of Harrison
Settle	Wood of Montague
Shofner	Worley
Smith	Youngblood

## Absent

Atchison	King
Cagle	Lange
Celaya	Lemens
Crossley	Leonard
Davis	Luker
Davisson	Nicholson
of Eastland	Olsen
Dunagan	Pope
Good	Riddle
Gray	Rogers
Hill	Scarborough
Hunt	Stanfield
Jefferson	Stinson
Jones of Runnels	Young
Keefe	

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid House Bill No. 601 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—117

Adamson	Colson
Adkins	Cooper
Aikin	Cowley
Alexander	Craddock
Alsup	Crossley
Ash	Daniel
Bergman	Davison of Fisher
Bourne	Davisson
Bradbury	of Eastland
Bradford	Dickison
Broyles	Dunlap of Hays
Burton	Dunlap of Kleberg
Butler of Brazos	Duvall
Butler of Karnes	Dwyer
Caldwell	England
Calvert	Fain
Canon	Fisher
Clayton	Ford
Collins	Fox
Colquitt	Frazer

Fuchs	Morse
Gibson	Newton
Glass	Padgett
Greathouse	Palmer
Hankamer	Patterson
Hanna	Payne
Hardin	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Head	Reader
Herzik	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Roach of Angelina
Hoskins	Roach of Hunt
Huddleston	Roane
Hunter	Roark
Hyder	Roberts
Jackson	Russell
James	Rutta
Jones of Falls	Settle
Jones of Shelby	Shofner
Jones of Wise	Smith
Knetsch	Spears
Lange	Steward
Lanning	Stinson
Latham	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Lucas	Thornton
Luker	Tillery
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKee	Wood of Harrison
Moffett	Wood of Montague
Moore	Worley
Morris	Young
Morrison	Youngblood

## Nays—2

Cagle	Howard
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## Absent

Atchison	Keefe
Celaya	King
Davis	Leath
Dunagan	Lemens
Good	Leonard
Graves	McKinney
Gray	Nicholson
Hill	Olsen
Holland	Riddle
Hunt	Rogers
Jefferson	Scarborough
Jones of Atascosa	Stanfield
Jones of Runnels	

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

### HOUSE BILL NO. 996 ON SECOND READING

The Speaker laid before the House (in accordance with House Concur-



rent Resolution No. 125), on its second reading and passage to engrossment,

H. B. No. 996, A bill to be entitled "An Act making an emergency appropriation for the Texas State Prison System for the purpose of returning to relatives, bodies of convicts whose families are in indigent circumstances, and declaring an emergency."

The bill was read second time.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 996 by adding thereto a new section, to be numbered Section 4-a, and which shall read as follows:

"Section 4-a. The fifty-dollar allowance now made to convicts upon discharge shall be applied as part payment of the expense of shipping bodies of deceased convicts, as provided herein."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 996 was then passed to engrossment.

#### HOUSE BILL NO. 996 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 996 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Cooper
Aikin	Cowley
Alsup	Craddock
Ash	Crossley
Bergman	Daniel
Bradbury	Davis
Bradford	Davison of Fisher
Broyles	Davisson
Burton	of Eastland
Butler of Brazos	Dickison
Butler of Karnes	Dunlap of Hays
Caldwell	Dunlap of Kleberg
Calvert	Duvall
Canon	Dwyer
Celaya	England
Clayton	Fain
Collins	Fisher
Colson	Ford

Fox	McKinney
Frazer	Moffett
Fuchs	Moore
Gibson	Morris
Glass	Morrison
Graves	Morse
Hankamer	Newton
Hanna	Nicholson
Hardin	Padgett
Harris of Archer	Palmer
Harris of Dallas	Patterson
Head	Payne
Herzik	Pope
Hodges	Quinn
Hofheinz	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Roach of Angelina
Huddleston	Roach of Hunt
Hunt	Roark
Hunter	Roberts
Hyder	Russell
Jackson	Rutta
James	Settle
Jones of Atascosa	Shofner
Jones of Falls	Smith
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Stovall
Lanning	Tarwater
Latham	Tennyson
Leath	Thornton
Lindsey	Tillery
Lotief	Waggoner
Lucas	Walker
Luker	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKee	Youngblood

#### Absent

Adkins	Knetsch
Alexander	Lange
Atchison	Lemens
Bourne	Leonard
Cagle	Olsen
Colquitt	Petsch
Dunagan	Reader
Good	Riddle
Gray	Roane
Greathouse	Rogers
Hill	Scarborough
Holland	Spears
Jefferson	Stanfield
Jones of Runnels	Young
King	

#### Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid House Bill No. 996 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—120

Adamson	Jackson
Aikin	James
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Ash	Jones of Shelby
Bergman	Jones of Wise
Bourne	Keefe
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lindsey
Butler of Karnes	Lotief
Cagle	Lucas
Caldwell	Mauritz
Calvert	McCalla
Canon	McConnell
Celaya	McFarland
Clayton	McKee
Collins	McKinney
Colquitt	Moffett
Colson	Moore
Cooper	Morris
Cowley	Morrison
Craddock	Morse
Crossley	Newton
Daniel	Nicholson
Davis	Padgett
Davison of Fisher	Palmer
Davison of Eastland	Payne
Dickison	Petsch
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Duvall	Reed of Bowie
Dwyer	Reed of Dallas
England	Roach of Angelina
Fain	Roach of Hunt
Fisher	Roark
Ford	Roberts
Fox	Russell
Frazer	Rutta
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Graves	Spears
Gray	Steward
Hankamer	Stinson
Hanna	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Head	Tillery
Herzik	Waggoner
Hodges	Walker
Hofheinz	Wells
Howard	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Hunter	Worley
Hyder	Young
	Youngblood

## Absent

Adkins	Lemens
Atchison	Leonard
Dunagan	Luker
Good	Olsen
Greathouse	Patterson
Hill	Reader
Holland	Riddle
Hoskins	Roane
Jefferson	Rogers
Jones of Runnels	Scarborough
King	Stanfield
Lange	

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

## SENATE BILL NO. 486 ON SECOND READING

The Speaker laid before the House (in lieu of House Bill No. 929), on its second reading and passage to third reading,

S. B. No. 486, A bill to be entitled "An Act to authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State, or the conservator, receiver or liquidator thereof, with the consent and approval of the Banking Commissioner, etc."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 486 ON THIRD READING

Mr. Calvert moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—118

Adamson	Butler of Brazos
Adkins	Butler of Karnes
Aikin	Cagle
Alexander	Caldwell
Alsup	Calvert
Ash	Canon
Atchison	Clayton
Bergman	Collins
Bourne	Colquitt
Bradbury	Colson
Broyles	Cooper
Burton	Cowley

Craddock	Lindsey
Crossley	Lotief
Daniel	Lucas
Davis	Luker
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McFarland
Dickison	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Fisher	Newton
Fox	Nicholson
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Pope
Graves	Quinn
Gray	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane
Head	Roark
Herzik	Roberts
Hodges	Russell
Hofheinz	Rutta
Holland	Settle
Howard	Shofner
Huddleston	Smith
Hunt	Steward
Hunter	Tarwater
Hyder	Tennyson
Jackson	Thornton
James	Tillery
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Worley
Latham	Young
Leath	Youngblood
Lemens	

## Absent

Bradford	Leonard
Celaya	McConnell
Dunagan	Morse
Duvall	Olsen
Ford	Padgett
Good	Petsch
Greathouse	Riddle
Hill	Rogers
Hoskins	Scarborough
Jefferson	Spears
Jones of Runnels	Stanfield
King	Stinson
Lange	Stovall

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid Senate Bill No. 486 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson	Jackson
Adkins	James
Aikin	Jefferson
Alexander	Jones of Atascosa
Ash	Jones of Shelby
Atchison	Jones of Wise
Bergman	Keefe
Bourne	Knetsch
Bradbury	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Lotief
Caldwell	Lucas
Calvert	Mauritz
Canon	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davison of Fisher	Nicholson
Davisson	Palmer
of Eastland	Patterson
Dickison	Payne
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Dwyer	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Fuchs	Rogers
Gibson	Russell
Glass	Rutta
Graves	Settle
Gray	Shofner
Hankamer	Smith
Hanna	Steward
Hardin	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Head	Thornton
Herzik	Tillery
Hodges	Waggoner
Hofheinz	Walker
Howard	Westfall
Huddleston	Wood of Harrison
Hunt	Wood of Montague
Hunter	Worley
Hyder	Youngblood

## Absent

Alsup	Leonard
Bradford	Luker
Celaya	Morse
Daniel	Olsen
Dunagan	Padgett
Duvall	Petsch
Ford	Riddle
Good	Roane
Greathouse	Roberts
Hill	Scarborough
Holland	Spears
Hoskins	Stanfield
Jones of Falls	Stinson
Jones of Runnels	Wells
King	Young
Lange	

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

SENATE BILL NO. 485 ON SECOND  
READING

The Speaker laid before the House (in lieu of House Bill No. 930), on its second reading and passage to third reading,

S. B. No. 485, A bill to be entitled "An Act authorizing institutions to issue and sell capital notes of debentures, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 485 ON THIRD  
READING

Mr. Calvert moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson	Canon
Adkins	Clayton
Aikin	Collins
Alexander	Colquitt
Alsup	Cooper
Ash	Cowley
Atchison	Craddock
Bergman	Crossley
Bourne	Davis
Bradbury	Davison of Fisher
Broyles	Davisson
Burton	of Eastland
Butler of Brazos	Dickison
Butler of Karnes	Dunlap of Hays
Cagle	Dunlap of Kleberg
Calvert	Duvall

Dwyer	McFarland
England	McKee
Fain	McKinney
Fisher	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Nicholson
Graves	Padgett
Gray	Patterson
Hankamer	Payne
Hanna	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Head	Reed of Bowie
Herzik	Reed of Dallas
Hodges	Roach of Angelina
Hofheinz	Roach of Hunt
Hoskins	Roark
Huddleston	Roberts
Hunter	Rogers
Hyder	Russell
Jackson	Rutta
James	Settle
Jones of Atascosa	Shofner
Jones of Runnels	Smith
Jones of Shelby	Steward
Jones of Wise	Stovall
Keefe	Tarwater
Knetsch	Tennyson
Lanning	Thornton
Latham	Tillery
Leath	Waggoner
Lemens	Walker
Lindsey	Westfall
Lotief	Wood of Harrison
Lucas	Wood of Montague
Luker	Worley
Mauritz	Young
McCalla	Youngblood
McConnell	

## Absent

Bradford	Jones of Falls
Caldwell	King
Celaya	Lange
Colson	Leonard
Daniel	Morse
Dunagan	Olsen
Ford	Palmer
Good	Reader
Greathouse	Riddle
Hardin	Roane
Hill	Scarborough
Holland	Spears
Howard	Stanfield
Hunt	Stinson
Jefferson	Wells

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid Senate Bill No. 485 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Runnels
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	Knetsch
Bergman	Lanning
Bourne	Latham
Bradbury	Leath
Broyles	Lemens
Burton	Lindsey
Butler of Brazos	Lotief
Butler of Karnes	Lucas
Cagle	Luker
Calvert	Mauritz
Canon	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davisson	Nicholson
of Eastland	Palmer
Dickison	Patterson
Dunlap of Hays	Payne
Duvall	Petsch
Dwyer	Pope
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Roach of Angelina
Fox	Roach of Hunt
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Graves	Rogers
Gray	Russell
Greathouse	Rutta
Hankamer	Settle
Hanna	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Steward
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Hoskins	Waggoner
Howard	Walker
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
Jackson	Youngblood
James	

Absent

Bradford	Celaya
Caldwell	Daniel

Davison of Fisher	Morse
Dunagan	Olsen
Dunlap of Kleberg	Padgett
Ford	Quinn
Frazer	Reader
Good	Riddle
Hill	Scarborough
Holland	Stanfield
Jefferson	Stinson
King	Tillery
Lange	Wells
Leonard	Young

Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 730, "An Act authorizing the county board of trustees in counties having a population of not less than 13,600 nor more than 20,000, as shown by the last preceding Federal Census, to set aside a certain amount of the available school fund apportioned to such counties to defray certain expenses in the administration of the scholastic affairs of such counties with limitations; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 754, "An Act prohibiting the taking or possession of any squirrel or quail in Shelby County for a period of two years following the passage of this Act; providing a penalty, repealing all laws in conflict with this Act, and declaring an emergency."

H. J. R. No. 19, Proposing an amendment to Article III of the Constitution of the State of State by adopting a new section to be known as Section 51-b, which shall provide that the Legislature shall have the power to co-operate with the United States of America in providing for and paying an old age pension to actual bona fide citizens of Texas over the age of sixty-five years who have not been convicted of a felony within ten years next prior to the granting of such pension and who have never been convicted of being an habitual criminal, etc.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 7, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

H. C. R. No. 131, Suspending Joint  
Rule No. 23 for the purpose of taking  
up out of order House Bills Nos. 193  
and 198 (relative to amount of credit  
given prisoners who are serving their  
fines out in jail).

Respectfully,

BOB BARKER,  
Secretary of the Senate.

ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
SENATE BILL NO. 146

The Speaker laid before the House,  
as pending business, for consideration  
at this time, the conference commit-  
tee report on Senate Bill No. 146;

The report having been printed in  
the Journal on Friday, May 3, with  
motion by Mr. Petsch that the report  
be adopted, pending.

Mr. Hankamer moved that the con-  
ference committee report on Senate  
Bill No. 146 be not adopted, and asked  
the appointment of a new conference  
committee to adjust the differences  
between the House and Senate.

(Mr. Alexander in the Chair.)

Mr. Petsch moved to table the motion  
by Mr. Hankamer.

Question recurring on the motion  
to table, yeas and nays were de-  
manded.

The motion to table prevailed by the  
following vote:

## Yeas—67

Adamson	Fain
Ash	Fisher
Atchison	Ford
Bourne	Fox
Burton	Gibson
Butler of Brazos	Glass
Cagle	Graves
Clayton	Harris of Archer
Collins	Harris of Dallas
Colquitt	Head
Cowley	Hodges
Craddock	Hofheinz
Daniel	Howard
Davis	Huddleston
Davison of Fisher	Jones of Falls
Dickison	Jones of Runnels
England	Jones of Shelby

Keefe  
King  
Knetsch  
Lanning  
Latham  
Leath  
Lemens  
Lindsey  
Lucas  
Mauritz  
McCalla  
McFarland  
McKinney  
Moffett  
Morris  
Padgett  
Patterson

Payne  
Petsch  
Reader  
Reed of Bowie  
Reed of Dallas  
Roach of Angelina  
Roach of Hunt  
Rutta  
Settle  
Smith  
Steward  
Tarwater  
Tillery  
Waggoner  
Wood of Montague  
Youngblood

## Nays—47

Adkins	Holland
Aikin	Hunt
Alsup	Jackson
Bergman	James
Bradbury	Lotief
Bradford	Luker
Broyles	McConnell
Caldwell	Moore
Canon	Morrison
Crossley	Morse
Davisson	Newton
of Eastland	Pope
Dunagan	Quinn
Dunlap of Hays	Roark
Dwyer	Rogers
Frazer	Russell
Fuchs	Shofner
Good	Stovall
Gray	Thornton
Hankamer	Walker
Hanna	Wells
Hardin	Westfall
Herzik	Wood of Harrison
Hill	Worley

## Present—Not Voting

Alexander	Jefferson
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## Absent

Butler of Karnes	Leonard
Calvert	McKee
Celaya	Nicholson
Colson	Olsen
Cooper	Palmer
Dunlap of Kleberg	Riddle
Duvall	Roane
Greathouse	Roberts
Hoskins	Scarborough
Hunter	Spears
Hyder	Stanfield
Jones of Atascosa	Stinson
Jones of Wise	Tennyson
Lange	Young

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

Mr. Worley moved the previous question on the adoption of the conference committee report on Senate Bill No. 146, and the main question was ordered.

The conference committee report on Senate Bill No. 146 was adopted by the following vote:

## Yeas—87

Adamson	Keefe
Ash	Knetsch
Atchison	Lanning
Bourne	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Lucas
Calvert	Mauritz
Clayton	McCalla
Collins	McFarland
Colquitt	McKinney
Cooper	Moffett
Cowley	Morris
Craddock	Morrison
Daniel	Nicholson
Davis	Olsen
Davison of Fisher	Padgett
Dunagan	Palmer
Duvall	Patterson
Dwyer	Payne
England	Petsch
Fain	Quinn
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Gibson	Roach of Angelina
Glass	Roach of Hunt
Graves	Roberts
Greathouse	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Settle
Head	Shofner
Herzik	Smith
Hodges	Spears
Hofheinz	Steward
Howard	Stinson
Hunter	Tarwater
Hyder	Tennyson
Jones of Atascosa	Tillery
Jones of Falls	Waggoner
Jones of Runnels	Wood of Montague
Jones of Shelby	Youngblood
Jones of Wise	

## Nays—44

Adkins	Davisson
Aikin	of Eastland
Alsup	Frazer
Bergman	Good
Bradbury	Gray
Broyles	Hankamer
Caldwell	Hanna
Canon	Hardin
Colson	Holland
Crossley	Hoskins

Huddleston	Roane
Hunt	Roark
Jackson	Rogers
James	Russell
Jefferson	Stovall
Lotief	Thornton
Luker	Walker
McConnell	Wells
McKee	Westfall
Moore	Wood of Harrison
Morse	Worley
Newton	Young
Pope	

## Absent

Alexander	Hill
Bradford	King
Celaya	Lange
Dickison	Leonard
Dunlap of Hays	Riddle
Dunlap of Kleberg	Stanfield
Fuchs	

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

Mr. Petsch moved to reconsider the vote by which the conference committee report was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—84

Adamson	Graves
Ash	Greathouse
Atchison	Harris of Archer
Bourne	Harris of Dallas
Burton	Head
Butler of Brazos	Hodges
Butler of Karnes	Howard
Calvert	Jefferson
Clayton	Jones of Atascosa
Collins	Jones of Falls
Colquitt	Jones of Runnels
Colson	Jones of Shelby
Cooper	Jones of Wise
Cowley	Keefe
Craddock	Knetsch
Daniel	Lanning
Davis	Latham
Davison of Fisher	Leath
Dunagan	Lemens
Duvall	Lindsey
Dwyer	Lucas
England	Mauritz
Fain	McCalla
Fisher	McFarland
Fox	McKee
Gibson	McKinney
Glass	Moffett

Morris	Roberts
Morrison	Rutta
Newton	Scarborough
Nicholson	Settle
Olsen	Shofner
Padgett	Spears
Palmer	Steward
Patterson	Stinson
Payne	Tarwater
Petsch	Tennyson
Quinn	Tillery
Reader	Waggoner
Reed of Bowie	Wells
Roach of Angelina	Wood of Montague
Roach of Hunt	Youngblood

## Nays—40

Adkins	Jackson
Aikin	James
Alsup	Lotief
Bergman	Luker
Bradbury	McConnell
Broyles	Moore
Caldwell	Morse
Canon	Pope
Crossley	Reed of Dallas
Davisson	Roane
of Eastland	Roark
Frazer	Rogers
Good	Russell
Gray	Stovall
Hankamer	Thornton
Hanna	Walker
Hardin	Westfall
Herzik	Wood of Harrison
Hoskins	Worley
Huddleston	Young
Hunt	

## Absent

Alexander	Hofheinz
Bradford	Holland
Cagle	Hunter
Celaya	Hyder
Dickison	King
Dunlap of Hays	Lange
Dunlap of Kleberg	Leonard
Ford	Riddle
Fuchs	Smith
Hill	Stanfield

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 408**

The Chair laid before the House, for consideration at this time, the conference committee report on House Bill No. 408, which report was printed in the Journal on Friday, May 3.

Mr. Russell moved that the report be adopted.

Mr. Tennyson moved that the report be not adopted, and asked the appointment of a new conference committee to adjust the differences between the House and Senate.

Mr. Jones of Atascosa moved to table the motion by Mr. Tennyson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—81

Adamson	Jefferson
Adkins	Jones of Atascosa
Alsup	Jones of Runnels
Ash	Jones of Wise
Atchison	Keefe
Bergman	Knetsch
Bourne	Latham
Bradbury	Leath
Bradford	Leonard
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McConnell
Caldwell	McKee
Calvert	Moffett
Cooper	Moore
Cowley	Morrison
Craddock	Morse
Crossley	Newton
Daniel	Padgett
Davis	Patterson
Dickison	Payne
Dunagan	Petsch
Dunlap of Kleberg	Reed of Dallas
Duvall	Roach of Angelina
England	Roane
Fox	Roark
Frazer	Roberts
Gibson	Rogers
Good	Russell
Gray	Scarborough
Greathouse	Settle
Harris of Archer	Smith
Harris of Dallas	Spears
Herzik	Steward
Hill	Thornton
Hodges	Waggoner
Hofheinz	Westfall
Hoskins	Wood of Harrison
Howard	Wood of Montague
Hunt	Worley
James	Youngblood

## Nays—49

Aikin	Colquitt
Broyles	Colson
Cagle	Davison of Fisher
Canon	Davisson
Clayton	of Eastland



Dunlap of Hays	Lucas
Fain	Luker
Fisher	McFarland
Ford	McKinney
Fuchs	Morris
Glass	Nicholson
Graves	Olsen
Hankamer	Palmer
Hardin	Quinn
Head	Reed of Bowie
Holland	Riddle
Hunter	Roach of Hunt
Hyder	Rutta
Jackson	Shofner
Jones of Falls	Stovall
King	Tarwater
Lanning	Tennyson
Lemens	Tillery
Lindsey	Walker
Lotief	Wells

## Present—Not Voting

Stinson

## Absent

Alexander	Jones of Shelby
Celaya	Lange
Collins	Pope
Dwyer	Reader
Hanna	Stanfield
Huddleston	Young

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

Question—Shall the conference committee report on House Bill No. 408 be adopted?

## PRESENTATION TO HON. ROBERT H. WOOD

Hon. Doyle Settle, having been recognized by the Chair, presented Hon. Robert H. Wood and wife, on behalf of the members of the House, with a chest of sterling silver.

Mr. Wood addressed the House, expressing appreciation for the gift.

## RECESS

On motion of Mr. Quinn, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## TO GRANT PERMISSION TO SUE THE STATE

Mr. Ford offered the following resolution:

H. C. R. No. 140, To grant Herbert McLennan permission to sue the State.

Whereas, It is alleged that on or about the seventh day of May, A. D. 1929, Herbert McLennan, while in the employment of the State Highway Department of Texas, sustained and suffered serious and permanent bodily injury while in line of duty, working as a common laborer in a gravel pit for said State Highway Department near the City of Waco in McLennan County, Texas; said injury is alleged to have been received and sustained by said McLennan as a result of being caught in a cave-in of gravel while he was on duty as an employe of said State Highway Department; and

Whereas, It is alleged that as a result of said accident the said Herbert McLennan suffered and sustained injuries to the bones of his left leg, to wit, fractures in three distinct places and also fractures to his left ankle, which injuries have left him permanently crippled and has greatly reduced his capacity to make a livelihood for himself and family. He is alleged to be permanently barred from doing hard manual labor by reason of such accident. His ability to earn money as a laborer has been materially reduced; and

Whereas, It is alleged that the said Herbert McLennan has never been compensated by the State of Texas for the damage resulting from said injury; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said Herbert McLennan, his heirs, executors, and administrators, be, and they are hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Travis County, Texas, in order to ascertain, fix and award the amount of money, if any, the said Herbert McLennan, his heirs, executors, and administrators, are entitled to receive from the State of Texas and the Highway Department of the State of Texas as compensation on account of such injury and resulting damages and that in case such suit be filed,

service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission of the State of Texas and that the same have the same force and effect as made and provided in civil cases and that either one of the parties to said suit shall have the right to appeal.

FORD,  
CAGLE,  
JONES of Falls.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Patterson offered the following resolution:

H. C. R. No. 133, To suspend certain Joint Rules, so as to consider House Bill No. 995.

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the House and Senate, Nos. 23, 24, and 32, be suspended for the purpose of allowing the House to take up and consider House Bill No. 995 until final disposal.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Pope offered the following resolution:

H. C. R. No. 134, To suspend certain Joint Rules to consider House Bill No. 998.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 22, 23, and 32 of the Joint Rules of the House and Senate, be suspended for the purpose of considering, for the final disposition thereof, House Bill No. 998, applicable to Nueces County only as to amendment of perpetual care of cemeteries.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Hofheinz offered the following resolution:

H. C. R. No. 135, To suspend certain Joint Rules, so as to consider House Bill No. 234.

Be it resolved by the House of Representatives of the Forty-fourth Legislature, the Senate concurring, That Joint Rules Nos. 23, 24 and 32 of the House and Senate be suspended for the purpose of considering immediately House Bill No. 234, an Act amending Section 26 of Chapter 65, General Laws of the Forty-first Legislature, providing for the creation of a State Board of Barber Examiners.

The resolution was read second time, and was lost.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Leonard offered the following resolution:

H. C. R. No. 137, To suspend certain Joint Rules, so as to consider House Bill No. 999.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 23, 24 and 32 of the Joint Rules of the House and Senate be suspended, so as to permit consideration, by both houses, of House Bill No. 999, which is a local bill, applying only to one irrigation district in Hidalgo County.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULE

Mr. Huddleston offered the following resolution:

H. C. R. No. 139, To suspend certain Joint Rule, so as to consider House Bill No. 988.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 23 be suspended for the purpose of taking up out of order House Bill No. 988, and that said Rule be suspended until this bill is finally disposed of.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Stinson offered the following resolution:

H. C. R. No. 141, To suspend certain Joint Rules, so as to consider House Bill No. 190.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 22, 23 and 24, and all other rules of the Joint Rules of the House and Senate, be, and the same are hereby, suspended in order that the House may take up and consider, until disposed of, House Bill No. 190, providing for safety glass on motor buses and passenger cars.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Reader offered the following resolution:

H. C. R. No. 142, To suspend certain Joint Rules, so as to consider House Bill No. 91.

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the House and Senate, Nos. 23, 24 and 32, be suspended for the purpose of allowing the House to take up and consider House Bill No. 91, until final disposal.

READER,  
ROANE.

The resolution was read second time, and was lost.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Quinn offered the following resolution:

H. C. R. No. 136, To suspend certain Joint Rules, so as to consider House Bill No. 836.

Be it resolved by the House of Representatives of the Forty-fourth Legislature of the State of Texas, the Senate concurring, That Joint Rules Nos. 23, 24 and 32 be suspended for the purpose of taking up House Bill No. 836, a local bill, which affects only the Fifteenth (15th) Representative District; said rules being hereby suspended until said bill is disposed of.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Howard offered the following resolution:

H. C. R. No. 143, To suspend certain Joint Rules, so as to consider House Bill No. 914.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24 and 32 be suspended for the purpose of taking up and considering House Bill No. 914, until finally disposed of.

The resolution was read second time, and was adopted.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 122, Authorizing certain corrections in House Bill No. 730.

H. C. R. No. 121, To Suspend Joint Rules Nos. 23, 24, and 32, to consider House Bills Nos. 929 and 930.

H. C. R. No. 119, To suspend certain Joint Rules so as to consider House Bill No. 601.

#### SENATE BILL NO. 477 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 477, A bill to be entitled "An Act amending Article 2982, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 477 ON THIRD READING

Mr. McCalla moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adamson	Bradford
Adkins	Broyles
Aikin	Burton
Alexander	Cagle
Alsup	Calvert
Ash	Canon
Atchison	Celaya
Bergman	Clayton
Bourne	Collins
Bradbury	Colquitt

Colson	Leonard
Cooper	Lindsey
Cowley	Lucas
Craddock	Luker
Crossley	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dunagan	Moffett
Dunlap of Hays	Moore
Dunlap of Kleberg	Morris
Dwyer	Morrison
Fain	Newton
Fisher	Padgett
Ford	Palmer
Fox	Patterson
Frazer	Petsch
Fuchs	Pope
Glass	Quinn
Good	Reed of Bowie
Gray	Reed of Dallas
Hankamer	Riddle
Hanna	Roach of Angelina
Hardin	Roach of Hunt
Harris of Dallas	Roane
Head	Roark
Herzik	Rogers
Hodges	Russell
Hofheinz	Rutta
Hoskins	Scarborough
Howard	Settle
Huddleston	Shofner
Hunt	Spears
Hunter	Steward
Hyder	Stinson
Jackson	Stovall
James	Tarwater
Jones of Atascosa	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Waggoner
Jones of Wise	Walker
Keefe	Wells
King	Westfall
Knetsch	Wood of Harrison
Lanning	Wood of Montague
Latham	Worley
Leath	Young
Lemens	Youngblood

## Present—Not Voting

England

## Absent

Butler of Brazos	Jones of Falls
Butler of Karnes	Lange
Caldwell	Lotief
Daniel	Morse
Duvall	Nicholson
Gibson	Olsen
Graves	Payne
Greathouse	Reader
Harris of Archer	Roberts
Hill	Smith
Holland	Stanfield
Jefferson	Tillery

## Absent—Excused

Beck	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid Senate Bill No. 477 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—114

Adamson	Hunt
Adkins	Hunter
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Cagle	Lanning
Calvert	Latham
Canon	Leath
Celaya	Lemens
Collins	Leonard
Colquitt	Lindsey
Colson	Lucas
Cooper	Luker
Cowley	Mauritz
Craddock	McCalla
Crossley	McConnell
Davis	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunagan	Morrison
Dunlap of Hays	Newton
Dunlap of Kleberg	Padgett
Dwyer	Palmer
Fain	Patterson
Fisher	Pope
Ford	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Glass	Reed of Dallas
Good	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Rogers
Hardin	Russell
Harris of Dallas	Rutta
Head	Scarborough
Herzik	Shofner
Hodges	Spears
Hofheinz	Steward
Holland	Stovall
Hoskins	Tarwater
Huddleston	Tennyson

Tillery	Wood of Harrison
Waggoner	Wood of Montague
Walker	Worley
Wells	Youngblood
Westfall	

Present—Not Voting

England

Absent

Butler of Brazos	Morris
Butler of Karnes	Morse
Caldwell	Nicholson
Daniel	Olsen
Duvall	Payne
Fox	Petsch
Gibson	Riddle
Graves	Roberts
Harris of Archer	Settle
Hill	Smith
Howard	Stanfield
Hyder	Stinson
Lange	Thornton
Lotief	Young

Absent—Excused

Beck	Fitzwater
Clayton	Hartzog
Farmer	Venable

## LEAVE OF ABSENCE GRANTED

(By Unanimous Consent)

Mr. Clayton was granted leave of absence for this afternoon on account of important business.

## SENATE BILL NO. 501 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 501, A bill to be entitled "An Act authorizing the creation of The Texas National Guard Armory Board, defining its personnel, the duties and functions of said board, making an appropriation, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 501 ON THIRD READING

Mr. McFarland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 501 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Jones of Atascosa
Adkins	Jones of Runnels
Aikin	Jones of Shelby
Alexander	Jones of Wise
Alsup	Keefe
Ash	King
Atchison	Lanning
Bourne	Latham
Bradbury	Leath
Bradford	Leonard
Broyles	Lindsey
Burton	Lucas
Butler of Karnes	Luker
Calvert	Mauritz
Canon	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKee
Cooper	McKinney
Craddock	Moffett
Crossley	Moore
Davison of Fisher	Morrison
Davisson	Newton
of Eastland	Palmer
Dickison	Patterson
Dunagan	Petsch
Dunlap of Hays	Pope
Dunlap of Kleberg	Quinn
Dwyer	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roane
Fuchs	Roark
Glass	Rogers
Good	Russell
Gray	Rutta
Greathouse	Scarborough
Hankamer	Settle
Hanna	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Waggoner
Hofheinz	Walker
Holland	Wells
Howard	Westfall
Huddleston	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
Jackson	Young
James	

Nays—1

Hunt

Present—Not Voting

Bergman	Morris
Cagle	

Absent

Butler of Brazos	Celaya
Caldwell	Cowley

Daniel	Morse
Davis	Nicholson
Duvall	Olsen
Gibson	Padgett
Graves	Payne
Hill	Roberts
Hoskins	Stanfield
Jefferson	Steward
Jones of Falls	Stinson
Knetsch	Stovall
Lange	Tillery
Lemens	Youngblood
Lotief	

## Absent—Excused

Beck	Fitzwater
Clayton	Hartzog
Farmer	Venable

The Speaker then laid Senate Bill No. 501 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—101

Adamson	Holland
Adkins	Howard
Alsup	Huddleston
Ash	Hunter
Atchison	Hyder
Bourne	Jackson
Bradbury	James
Bradford	Jefferson
Broyles	Jones of Atascosa
Burton	Jones of Runnels
Butler of Karnes	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Collins	King
Cooper	Knetsch
Craddock	Lanning
Davisson	Latham
of Eastland	Lemens
Dickison	Lindsey
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Dwyer	McFarland
Fain	McKee
Fisher	McKinney
Fox	Moore
Frazer	Morrison
Glass	Newton
Graves	Nicholson
Gray	Olsen
Greathouse	Padgett
Hankamer	Palmer
Hanna	Patterson
Hardin	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Head	Reader
Herzik	Reed of Dallas
Hodges	Riddle
Hofheinz	Roach of Angelina

Roach of Hunt	Tarwater
Roane	Tennyson
Roark	Thornton
Rogers	Waggoner
Russell	Walker
Rutta	Wells
Scarborough	Westfall
Settle	Wood of Harrison
Smith	Wood of Montague
Spears	Young
Steward	Youngblood

## Nays—11

Aikin	McConnell
Bergman	Morris
Cagle	Reed of Bowie
Good	Shofner
Hunt	Stovall
Lucas	

## Present—Not Voting

England

## Absent

Alexander	Hill
Butler of Brazos	Hoskins
Caldwell	Jones of Falls
Calvert	Lange
Colquitt	Leath
Colson	Leonard
Cowley	Lotief
Crossley	Moffett
Daniel	Morse
Davis	Payne
Davison of Fisher	Roberts
Duvall	Stanfield
Ford	Stinson
Fuchs	Tillery
Gibson	Worley

## Absent—Excused

Beck	Fitzwater
Clayton	Hartzog
Farmer	Venable

## MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, May 7, 1935.

To the Members of the Forty-fourth Legislature:

I have today signed and approved House Bill No. 11 which appropriates three million dollars for a Centennial celebration. Since no provision is made for retirement of this debt, I desire to make a statement not only with reference to this appropriation,

but to others which may come to my desk.

The people of Texas, by direct referendum, gave the Legislature a mandate to provide for a real Centennial observance of the achievements of our forbears. Pursuant to this mandate, a preceding Legislature set up the machinery to determine where the main celebration should be had. As a result, the people of Dallas have voted bonds, and already the program is under way. Word has gone forth to the world that Texas expects to make 1936 a banner Centennial year. The Legislature has seen fit to pass this Act and, for these reasons, in my judgment, it would be breaking faith for me to disapprove it. After careful consideration, I have therefore concluded it is my duty to sign this bill.

Shortly after the bill came to my desk, in reply to the inquiry of newspaper men, I stated that the question in my mind was "where is the money coming from?" Upon reflection, I have concluded that this is the Legislature's problem—not the Governor's.

This same inquiry applies to the appalling deficit to which your attention was respectfully directed at the beginning of the Session. It is not the part of wisdom to spend money unless you have it, either in the Treasury or know where it is coming from.

We are going through a finish fight against "hot" oil and for sound State home rule. I dislike in signing appropriation bills to face a future of State "hot" checks and unsound State home rule. It will be in this spirit that I either veto or give my signature to various bills.

The people must, of course, depend on the Legislature to provide revenues. In my judgment, a sound Legislature will not leave Austin without providing for money they have ordered spent.

This Legislature has determined to adjourn on May 11. That is your constitutional prerogative and I have no desire to attempt to dictate to you. The Governor, however, has certain constitutional prerogatives and duties. Among these: He is privileged and required to communicate to you, from time to time, his views on public questions.

May I, therefore, respectfully, remind you that much remains to be

done before you shall have discharged your oaths of office.

The Legislature can provide revenues; the Governor cannot. The Legislature can give tax relief; the Governor cannot. He can only recommend, and that I have done in detail. I must ask, and I think the people expect, this Legislature not to adjourn until it has provided money for its worthy appropriations.

When the framers of the Constitution (and of the amendment adopted five years ago) provided that the Legislature should remain over at half pay after the expiration of the Regular Session they evidently contemplated that sometime the interests of the public might require the members, as patriots, to remain in Session until unfinished business is disposed of. We may as well be frank about it. Even aside from revenue-raising measures, other important questions, dealt with in the Party platform and in individual campaigns of many members, somehow, for reasons best known to you, have not even been voted upon.

Is it asking too much of this Legislature to suggest that the people are entitled to have these important matters at least voted upon? If they are disposed of at this Regular Session there will be no necessity for calling the Legislature back at the regular rate of \$10 a day, and mileage, at an enormous expense to the taxpayers, to vote on questions already decided. Surely, no harm can come from each Legislator expressing himself upon matters so greatly affecting the public interest.

Most important of all problems, which assuredly should be dealt with before adjournment, is that of provision for relief of the unfortunate people of this State after the present twenty-million-dollar bond issue shall have been exhausted. It is commonly known that all unemployables within the State will shortly be turned back upon local communities. Under present constitutional authority and laws, neither the State nor the municipality has authority to provide for emergencies almost certain to arise.

Bear in mind that constitutional amendments can only be submitted at a Regular Session of the Legislature; and if you adjourn without needful action, we will be helpless until after the convening of the next Regular

Session of the Legislature. I cannot too earnestly again urge this Legislature to submit proper constitutional amendments for early vote of the people to authorize the Legislature, as well as local communities, to make provision for relief.

By the Centennial Bill you have authorized fitting testimonials to pioneering generations of the past. It is our duty to make adequate provision for the needs of the living!

I am sure the patriotic members of this Legislature are tired and worn out. So am I. But I don't want a Special Session of the Legislature, now or hereafter, if it can be avoided. I, therefore, feel that all of us should extend ourselves and redouble our efforts to the end that the people's business may be attended to. I respectfully urge you to reconsider your decision to adjourn before these problems are disposed of. Let's avoid a Special Session!

These suggestions are made in a co-operative spirit of harmony for the public welfare.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 510, "An Act providing for relief for the Independence Common School District of Henderson and Kaufman Counties, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of March, A. D. 1935; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

H. B. No. 749, "An Act amending Section 1, Section 2, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 15, House Bill No. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature, and providing that venue of criminal prosecution shall be in Travis County or in

the county where an offense is committed; providing that conviction may be had upon the uncorroborated testimony of an accomplice; etc."

S. J. R. No. 3, Proposing an amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20-a to Section 20-e, both inclusive; prohibiting the open saloon, and vesting in the Legislature the power to define and enact laws against such, etc.

S. C. R. No. 52, Recalling Senate Bill No. 52 from the Governor's office.

S. J. R. No. 3-a, Proposing certain amendment to the Constitution of the State of Texas.

#### HOUSE BILL NO. 187 ON SECOND READING

The Speaker laid before the House (in accordance with the provisions of House Concurrent Resolution No. 116), on its second reading and passage to engrossment,

H. B. No. 187, A bill to be entitled "An Act to provide for creating Firemen's Relief and Pension Fund in the State of Texas and in all incorporated cities and towns thereof, having a regularly organized fire department with fire fighting equipment or apparatus of the value of one hundred dollars (\$100) or more therein; levying and assessing a designated tax of 2.6 per centum of all gross insurance premium receipts, less return premiums paid policyholders, collected or received from all fire and other kinds of insurance, except life insurance, and appropriating the proceeds of such tax to such Firemen's Relief and Pension Fund, etc., and declaring an emergency."

The bill was read second time.

Mr. Jones of Runnels offered the following committee amendments to the bill:

Amend House Bill No. 187, Section 18, by striking out in lines 4 and 5, on page 12, the following words: "and which decision or order of the Firemen's Pension Commissioner on appeal shall be final" and in lieu thereof add a new sentence after the last word in the last line as follows:

"After final decision or order by such Firemen's Pension Commissioner, an appeal therefrom may be taken to the proper court of Travis County, Texas, having jurisdiction of the sub-



ject matter, upon the serving within 20 days after date of such decision or order, of a notice in writing of such intention to so appeal, upon the adverse party."

Amend House Bill No. 187, by inserting after the sentence in Section 21, lines 10 and 11, after the words "shall be counted", the following: "provided, however, that if a fireman be out of service over five years through no fault of his own and subsequently returns to the department, this period of time shall not be counted against him insofar as his retirement time is concerned."

JONES of Runnels,  
HOFHEINZ.

Amend House Bill No. 187, Section 28, by striking out the following words: "Article 7064 of the Revised Civil Statutes of Texas, 1925, is hereby expressly repealed, but".

Amend House Bill No. 187, Section 20, by inserting between the words "showing" and "the" in the seventh line thereof, the following words, to wit: "that the department applying for such temporary apportionment has assessed its members the maximum assessment provided hereunder, and showing further".

The amendments were severally adopted.

Mr. Jones of Runnels offered the following committee amendment to the bill:

Amend House Bill No. 187 by striking out Section 2 thereof in its entirety and in lieu thereof insert the following:

"Sec. 2. For the purpose of providing funds and revenue for the Firemen's Relief and Pension Fund hereby created, there is hereby diverted and appropriated to and for the use and benefit of such Firemen's Relief and Pension Fund, as herein provided, the sum or sums collected from each and every insurance company, whether a firm, partnership, corporation, mutual or reciprocal company, authorized to transact in this State the business of fire, tornado, hail, windstorm, ocean marine and/or inland marine insurance, by virtue of and being the 2.6 per cent gross premium receipts tax, less the proportion thereof for public school purposes, provided by and collected under authority of Article 7064, Revised Civil Statutes of Texas, 1925,

and Acts amendatory thereof, and the State Treasurer is hereby directed to set aside to said fund as and when collected the amount or amounts of such tax as herein provided."

Mr. Bourne offered the following substitute for the committee amendment:

Amend House Bill No. 187 by striking out Section 2 thereof in its entirety, and in lieu thereof insert the following:

"For the purpose of providing permanent funds and revenue for the Firemen's Relief and Pension Fund hereby created, there is hereby levied and assessed against each and every insurance company, whether a firm, partnership, corporation, mutual or reciprocal company, transacting in this State the business of fire, tornado, hail, cyclone, windstorm, inland marine and/or ocean marine insurance, and additional occupation or license tax of two per centum of all gross premium receipts received or collected from persons or property within this State during the preceding year ending December 31. The gross premium receipts herein referred to shall be reported by said insurance companies to the Commissioner of Insurance, subject to the same credits and deductions for capital investment, reinsurance and return premium paid policyholders; the amount of the tax thereon shall be paid in addition to, at the same time and in the same manner as is now provided by Article 7064 of the Revised Civil Statutes of Texas and Acts amendatory thereof, and which said tax, when so paid and received by the State Treasurer, less the proportion thereof for public school purposes, shall be set aside, deposited into and transferred to and for the use, benefit and purposes of said Firemen's Relief and Pension Fund and/or disbursed therefrom as herein provided and directed."

The substitute amendment was adopted.

The committee amendment, as substituted, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 187 was then passed to engrossment.

HOUSE BILL NO. 187 ON THIRD  
READING

Mr. Jones of Runnels moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson	Hunter
Adkins	Hyder
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Beck	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	King
Broyles	Knetsch
Burton	Lanning
Butler of Karnes	Latham
Cagle	Leath
Canon	Lindsey
Celaya	Lotief
Collins	Lucas
Colquitt	Mauritz
Colson	McCalla
Cooper	McConnell
Cowley	McFarland
Craddock	McKinney
Crossley	Moffett
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Morrison
Dickison	Newton
Dunagan	Nicholson
Duvall	Olsen
Dwyer	Padgett
England	Patterson
Fisher	Payne
Ford	Pope
Fox	Quinn
Frazer	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Good	Riddle
Graves	Roach of Angelina
Gray	Roark
Greathouse	Russell
Hankamer	Rutta
Hanna	Scarborough
Hardin	Settle
Harris of Dallas	Shofner
Head	Smith
Herzik	Spears
Hodges	Stinson
Hofheinz	Stovall
Holland	Tarwater
Howard	Tennyson
Huddleston	Tillery

Waggoner	Wood of Montague
Walker	Worley
Wells	Young
Westfall	Youngblood
Wood of Harrison	

Nays—8

Fain	Petsch
Harris of Archer	Roane
Hoskins	Rogers
Hunt	Thornton

Absent

Butler of Brazos	Lemens
Caldwell	Leonard
Calvert	Luker
Daniel	McKee
Davis	Morse
Dunlap of Hays	Palmer
Dunlap of Kleberg	Roach of Hunt
Fuchs	Roberts
Hill	Stanfield
Lange	Steward

Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid House Bill No. 187 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adamson	Dickison
Adkins	Dunagan
Aikin	Duvall
Alexander	Dwyer
Alsup	England
Ash	Fain
Atchison	Fisher
Beck	Ford
Bergman	Fox
Bourne	Frazer
Bradbury	Gibson
Bradford	Glass
Broyles	Good
Burton	Graves
Butler of Karnes	Gray
Cagle	Greathouse
Calvert	Hankamer
Canon	Hanna
Celaya	Harris of Dallas
Collins	Head
Colquitt	Herzik
Colson	Hodges
Cowley	Hofheinz
Craddock	Holland
Daniel	Howard
Davis	Huddleston
Davison of Fisher	Hunt
Davisson	Hunter
of Eastland	Hyder

Jackson	Patterson
James	Payne
Jefferson	Pope
Jones of Falls	Quinn
Jones of Runnels	Reed of Bowie
Jones of Shelby	Reed of Dallas
Jones of Wise	Riddle
Keefe	Roach of Angelina
King	Roach of Hunt
Knetsch	Roark
Lange	Russell
Lanning	Rutta
Latham	Scarborough
Leath	Settle
Lemens	Shofner
Leonard	Smith
Lindsey	Spears
Lotief	Steward
Lucas	Stinson
Mauritz	Stovall
McCalla	Tennyson
McConnell	Tillery
McFarland	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morrison	Wood of Montague
Newton	Worley
Olsen	Young
Padgett	Youngblood

## Nays—8

Crossley	Petsch
Hardin	Roane
Harris of Archer	Rogers
Hoskins	Thornton

## Absent

Butler of Brazos	Morris
Caldwell	Morse
Cooper	Nicholson
Dunlap of Hays	Palmer
Dunlap of Kleberg	Reader
Fuchs	Roberts
Hill	Stanfield
Jones of Atascosa	Tarwater
Luker	

## Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

RELATIVE TO HOUSE BILL NO.  
257

Mr. Padgett moved to reconsider the vote by which the conference committee report on House Bill No. 257 was adopted.

The motion to reconsider prevailed.

Mr. Padgett moved that the conference committee report be not adopted, and that the same confer-

ence committee heretofore appointed, be retained to further consider the bill and adjust the differences between the two houses.

The motion prevailed.

ADOPTION OF CONFERENCE  
COMMITTEE REPORT ON  
HOUSE BILL NO. 408

The House resumed consideration of pending business, same being the conference committee report on House Bill No. 408, with motion by Mr. Russell that the report be adopted, pending.

Mr. Lanning moved that the report be not adopted, and that House Bill No. 408 be sent back to the same conference committee for further consideration.

Mr. Gibson moved to table the motion by Mr. Lanning.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—78

Adamson	James
Alsup	Jefferson
Atchison	Jones of Atascosa
Bergman	Jones of Runnels
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	King
Burton	Knetsch
Butler of Karnes	Latham
Calvert	Leath
Canon	Lemens
Collins	Leonard
Cooper	Mauritz
Daniel	McCalla
Davis	McKee
Davison of Fisher	McKinney
Davison of Eastland	Moore
Dickison	Morrison
Dunagan	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Padgett
Fox	Patterson
Frazer	Payne
Fuchs	Petsch
Gibson	Pope
Graves	Reed of Dallas
Harris of Dallas	Riddle
Hodges	Roach of Angelina
Hofheinz	Roane
Hoskins	Roark
Howard	Rogers
Hunt	Russell
Hyder	Settle
	Smith

Spears  
Steward  
Thornton  
Waggoner  
Westfall

Wood of Harrison  
Wood of Montague  
Worley  
Youngblood

## Nays—45

Adkins	Jones of Shelby
Aikin	Lanning
Ash	Lindsey
Broyles	Lotief
Cagle	Lucas
Celaya	McConnell
Colson	McFarland
Craddock	Moffett
Crossley	Morris
Dunlap of Hays	Palmer
Fain	Quinn
Fisher	Reed of Bowie
Ford	Roach of Hunt
Glass	Rutta
Gray	Shofner
Hankamer	Stovall
Hardin	Tarwater
Head	Tennyson
Herzik	Tillery
Holland	Walker
Huddleston	Wells
Hunter	Young
Jackson	

## Absent

Alexander	Hill
Butler of Brazos	Jones of Falls
Caldwell	Lange
Colquitt	Luker
Cowley	Morse
Dunlap of Kleberg	Reader
Good	Roberts
Greathouse	Scarborough
Hanna	Stanfield
Harris of Archer	Stinson

## Absent—Excused

Beck	Fitzwater
Clayton	Hartzog
Farmer	Venable

The conference committee report on House Bill No. 408 was then adopted by the following vote:

## Yeas—84

Adamson	Celaya
Adkins	Collins
Alexander	Colquitt
Alsup	Colson
Ash	Cooper
Beck	Craddock
Bergman	Crossley
Bourne	Daniel
Bradbury	Davisson
Bradford	of Eastland
Burton	Dickison
Butler of Karnes	Dunagan
Calvert	Dunlap of Hays

Duvall  
Dwyer  
England  
Fisher  
Fox  
Frazer  
Gibson  
Gray  
Hanna  
Harris of Archer  
Harris of Dallas  
Hodges  
Hofheinz  
Hoskins  
Howard  
Hunt  
James  
Jefferson  
Jones of Atascosa  
Jones of Runnels  
Jones of Wise  
Keefe  
King  
Knetsch  
Latham  
Leath  
Leonard  
Mauritz  
McCalla  
McKee

Moffett  
Morrison  
Newton  
Nicholson  
Olsen  
Padgett  
Patterson  
Payne  
Petsch  
Pope  
Reader  
Reed of Dallas  
Riddle  
Roark  
Rogers  
Russell  
Settle  
Smith  
Spears  
Steward  
Stinson  
Tarwater  
Thornton  
Waggoner  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley  
Youngblood

## Nays—43

Aikin	Lindsey
Broyles	Lotief
Cagle	Lucas
Canon	Luker
Davis	McConnell
Davison of Fisher	McFarland
Fain	Morris
Ford	Palmer
Fuchs	Quinn
Glass	Reed of Bowie
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Head	Roane
Herzik	Rutta
Holland	Shofner
Huddleston	Stovall
Hunter	Tennyson
Hyder	Tillery
Jackson	Walker
Jones of Shelby	Wells
Lanning	Young
Lemens	

## Absent

Atchison	Jones of Falls
Butler of Brazos	Lange
Caldwell	McKinney
Cowley	Moore
Dunlap of Kleberg	Morse
Good	Roberts
Graves	Scarborough
Greathouse	Stanfield
Hill	

Absent—Excused		to satisfy my local condition. I do not think that such legislation is fair or democratic.
Clayton	Hartzog	
Farmer	Venable	
Fitzwater		
Reason For Vote		MORRIS.
I voted against the conference committee report on House Bill No. 408 because the House did not have an opportunity to amend the bill in order		CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 417
		Mr. Leonard submitted the following conference committee report on House Bill No. 417:

Committee Room,  
Austin, Texas, May 2, 1935.

Hon. Walter F. Woodul, President of the Senate; Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and House on House Bill No. 417, recommend that the bill be passed in form and text as submitted herewith.

"H. B. No. 417,

A BILL

To Be Entitled

An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas and making appropriation therefor and making appropriation for the support and maintenance of the Judicial Department of the State of Texas for the two (2) years beginning September 1, 1935, and ending August 31, 1937; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; amending Section 1 of House Bill No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of House Bill No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, is hereby amended so as to read as follows:

"Section 1. From and after August 31, 1935, the Judges of the Supreme Court and the Judges of the Court of Criminal Appeals of this State shall each be paid an annual salary of six thousand five hundred dollars (\$6,500), payable in equal monthly installments; Judges of the Supreme Court Commission of Appeals, and Judges of the Commission in Aid of the Court of Criminal Appeals, shall each be paid an annual salary of five thousand seven hundred dollars (\$5,700), payable in equal monthly installments; Judges of the several Courts of Civil Appeals of this State shall each be paid an annual salary of five thousand four hundred dollars (\$5,400), payable in equal monthly installments; Judges of the District Courts and Judges of the Criminal District Courts of this State shall each be paid an annual salary of four thousand dollars (\$4,000), payable in equal monthly installments.

Sec. 2. The salaries of the District Attorneys of the State of Texas, the State's Attorney before the Court of Criminal Appeals, the clerks of the Supreme Court, Court of Criminal Appeals and Courts of Civil Appeals and the salaries of the other officers and employes of the Supreme Court of the State of Texas, the Court of Criminal Appeals and the Courts of Civil Appeals, shall be as fixed hereinafter in this Act and as shall be determined by the Legislature in its various appropriation Acts for the support of the Judiciary of this State.

Sec. 3. That the several sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated, as follows:

## COURT OF CIVIL APPEALS

First District, Galveston, Texas

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Fuel, lights, water, equipment, maintenance and contingent expense .....	650.00	650.00
Books for library .....	625.00	625.00
Total.....	\$ 24,975.00	\$ 24,975.00

## COURT OF CIVIL APPEALS

Second District, Fort Worth, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,825.00	\$ 24,825.00

## COURT OF CIVIL APPEALS

Third District, Austin, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	325.00	325.00
Total.....	\$ 24,525.00	\$ 24,525.00

## COURT OF CIVIL APPEALS

Fourth District, San Antonio, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	1,625.00	625.00
Total.....	\$ 25,825.00	\$ 24,825.00

## COURT OF CIVIL APPEALS

Fifth District, Dallas, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,825.00	\$ 24,825.00

## COURT OF CIVIL APPEALS

## Sixth District, Texarkana, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Light, fuel, equipment, maintenance and con- tingent expenses .....	725.00	725.00
Books for library .....	625.00	625.00
Total.....	\$ 25,050.00	\$ 25,050.00

## COURT OF CIVIL APPEALS

## Seventh District, Amarillo, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	720.00	720.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,885.00	\$ 24,885.00

## COURT OF CIVIL APPEALS

## Eighth District, El Paso, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	720.00	720.00
Equipment, maintenance and contingent ex- penses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,885.00	\$ 24,885.00

## COURT OF CIVIL APPEALS

## Ninth District, Beaumont, Texas

Salaries of three judges at \$5,400 each per year.\$	16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00

	For the Years Ending	
	August 31, 1936	August 31, 1937
Equipment, maintenance and contingent expenses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,825.00	\$ 24,825.00

## COURT OF CIVIL APPEALS

## Tenth District, Waco, Texas

Salaries of three judges at \$5,400 each per year.	\$ 16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent expenses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,825.00	\$ 24,825.00

## COURT OF CIVIL APPEALS

## Eleventh District, Eastland, Texas

Salaries of three judges at \$5,400 each per year.	\$ 16,200.00	\$ 16,200.00
Salary of Clerk .....	3,600.00	3,600.00
Salaries of deputy clerks and/or law clerks and/or stenographers .....	3,240.00	3,240.00
Salary of porter .....	660.00	660.00
Equipment, maintenance and contingent expenses .....	500.00	500.00
Books for library .....	625.00	625.00
Total.....	\$ 24,825.00	\$ 24,825.00
Traveling expenses of Judges of Courts of Civil Appeals when sitting in other Districts.....	\$ 1,500.00	\$ 1,500.00

SUPREME COURT AND SUPREME COURT COMMISSION OF  
APPEALS, SECTIONS "A" AND "B"

Salaries of three Judges of Supreme Court at \$6,500 each per year.....	\$ 19,500.00	\$ 19,500.00
Salaries of six Judges of Supreme Court Commission of Appeals, Sections "A" and "B" at \$5,700 each per year .....	34,200.00	34,200.00
Salary of Clerk of Supreme Court, including salary for services to Commission of Appeals .....	4,800.00	4,800.00
Salary of Reporter .....	3,000.00	3,000.00
Salaries of briefing clerks and of law clerk-secretaries, who also do legal research work for Supreme Court and Commission of Appeals; salaries of briefing clerks not to exceed \$2,100 each per year and of law clerk-secretaries not to exceed \$1,500 each per year .....	12,500.00	12,500.00
Salary of marshal and assistant librarian.....	1,800.00	1,800.00
Salary of three porters at \$660 each per year.	1,980.00	1,980.00
Salary of deputy clerk, who shall also act as secretary to Board of Legal Examiners.....	3,300.00	3,300.00



	For the Years Ending	
	August 31, 1936	August 31, 1937
Salaries of three deputy clerks, at not exceeding \$2,100 each per year.....	6,300.00	6,300.00
Salary of secretary to deputy clerk and assistant secretary to Board of Legal Examiners..	1,500.00	1,500.00
Printing, postage, express, books, rebinding, repairs, furniture, equipment cases and contingent expenses .....	3,500.00	3,500.00
Total.....	\$ 92,380.00	\$ 92,380.00

**COURT OF CRIMINAL APPEALS AND COMMISSION IN AID OF  
COURT OF CRIMINAL APPEALS**

Salaries of three Judges at \$6,500 each per year.\$	19,500.00	\$ 19,500.00
Salaries of two Judges of Commission in Aid of Court of Criminal Appeals at \$5,700 each per year .....	11,400.00	11,400.00
Salary of Clerk .....	4,000.00	4,000.00
Salary of Bailiff .....	2,100.00	2,100.00
Salaries of briefing clerks and of law clerk-secretaries, who also do legal research work for the Court of Criminal Appeals and the Commission in Aid of the Court; salaries of briefing clerks not to exceed \$2,100 each per year and of law clerk-secretaries not to exceed \$1,500 each per year.....	9,000.00	9,000.00
Salary of Court Reporter.....	3,600.00	3,600.00
Salary of porter .....	660.00	660.00
Postage, telephones, box rent, record books, stationery, furniture, filing cases, filing envelopes, typewriters, pictures of deceased Judges and contingent expenses.....	2,000.00	2,000.00
Total.....	\$ 52,260.00	\$ 52,260.00

**STATE PROSECUTING ATTORNEY BEFORE COURT OF CRIMINAL  
APPEALS**

Salary of Attorney .....	\$ 4,500.00	\$ 4,500.00
Salary of secretary and law clerk.....	1,800.00	1,800.00
Law books, telephone, postage, furniture, supplies, equipment and contingent expenses....	350.00	350.00
Total.....	\$ 6,650.00	\$ 6,650.00

**JUDICIARY SECTION—COMPTROLLER'S DEPARTMENT**

Salaries of 128 District Judges and Criminal District Judges at \$4,000 each per year.....	\$ 512,000.00	\$ 512,000.00
Constitutional allowance for 58 District Attorneys at \$500 each per year.....	29,000.00	29,000.00
Compensation of 52 District Attorneys at \$17 per day for each day spent in the actual and necessary performance of their duties for not exceeding 177 days in any one calendar year, provided not exceeding \$3,009 shall be paid for any one district office during a State fiscal year .....	156,468.00	156,468.00
Compensation of District Attorney of Thirty-fourth Judicial District (El Paso District) at \$20 per day for each day spent in the		

	For the Years Ending	
	August 31, 1936	August 31, 1937
actual and necessary performance of his duties for not exceeding 250 days in any one calendar or State fiscal year.....	5,000.00	5,000.00
Compensation of Assistant District Attorney of Thirty-fourth (El Paso) Judicial District.	2,700.00	2,700.00
Compensation of Assistant District Attorney of Ninth Special Judicial District.....	2,750.00	2,750.00
Compensation of one Assistant District Attorney or one special investigator for each of the following Judicial Districts: Forty-ninth, Twenty-second, Fifty-third, Forty-seventh, and Seventy-second; total of five assistants at \$1,800 each per year.....	9,000.00	9,000.00
Compensation of the District Attorney of the Seventh Judicial District for 50 extra days at \$18 per day for each day spent in the actual and necessary performance of his duty in excess of 177 days during each of the calendar years 1935 and 1936, in accordance with the general law providing for said officer .....	900.00	900.00
District Judges and District Attorneys expenses in districts composed of two or more counties (per Article 6820, Revised Civil Statutes), payable quarterly .....	35,000.00	35,000.00
Special District Judges salaries and regular District Judges expenses when holding court out of their districts .....	7,500.00	7,500.00
Transcript fees to official court reporters for narrative statement of facts and/or in cases where court is required and does appoint attorney to represent defendant in criminal action, and where official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law .....	1,000.00	1,000.00
Fees and costs of officials in cases of escheated estates, including accrued fees .....	50.00	50.00
Fees and costs of sheriffs, attorneys and clerks in felony cases and fees of county judges, county attorneys, justices of peace, sheriffs, and constables in examining trials actually held and where indictments are returned....	550,000.00	550,000.00
Expenses of attached witnesses, witness fees and mileage allowed witnesses in felony cases, who live in counties other than the county in which the case is being tried.....	210,000.00	210,000.00
Special Judges of Supreme Court, Courts of Criminal Appeals and Civil Appeals where disqualification of regular judge exists and special judges are appointed; per diem to be the same as a regular District Judge receives per day .....	1,200.00	1,200.00
Total.....	\$ 1,522,568.00	\$ 1,522,568.00

Section 3-a. To cover deficiencies in appropriations made by the Forty-third Legislature for law books for the Courts of Civil Appeals for the biennium ending August 31, 1935, the following supplemental amounts, to be available immediately, are hereby appropriated to the several Courts of Civil Appeals named below, as follows:

First Supreme Judicial District.....	\$ 591.75
Second Supreme Judicial District.....	570.50
Fifth Supreme Judicial District.....	585.00
Seventh Supreme Judicial District.....	575.00
Eighth Supreme Judicial District.....	400.00
Tenth Supreme Judicial District.....	331.25
Eleventh Supreme Judicial District.....	200.00

Total.....\$3,253.50

#### General Provisions

Sec. 4. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the special accounts in the General Revenue Fund provided for in Section 6 hereof. Annual expenditures for law books shall not, however, exceed the respective itemized amounts appropriated for each of said courts.

Sec. 5. The salaries of all deputy clerks, law clerks, law clerk-secretaries, briefing clerks, secretaries and stenographers for whom appropriations are made in this Act in lump sums shall be fixed by the several courts at not exceeding the amounts specified herein.

Sec. 6. All fees paid to any court for which appropriations are made herein or to any of the clerks, officers, or employes of any such court, whether such fees are for official or unofficial copies of opinions, or for other services or documents, shall be deposited at the close of each month in the General Revenue Fund of the State Treasury and shall be carried as a special account in said Fund for the court depositing same, and none of such fees shall be retained by or paid to said clerks, officers or employes. Each court employe whose salary is provided for herein, except porters, shall file with the Comptroller at the end of each month an affidavit showing that he has not retained any compensation out of any court fees or other fees received by him or the court during that month and showing that all such fees have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employe for any month unless and until the affidavit required herein has been filed for that month.

Sec. 7. a. Appropriations made in this bill are intended to be, and shall be, construed as being the maximum sums, respectively, which may be used in any way for the purposes or objects named in the Act, and obligations shall not be incurred in any case, which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another. Provided, however, that transfers or adjustments may be made from and to appropriations for maintenance, supply and contingent items, but not to or from law book appropriations.

b. All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

c. No account against any items of witness fees, county attorneys, justices of peace, sheriffs' and constables' fees, and costs of sheriffs, attorneys and clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

d. It shall be the duty of each of the appellate courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor of all amounts received and/or expended by said court and/or agency. Provided, further, that it shall be the duty of the head of each court and judicial agency of the State Government, annually, and within sixty (60) days after the close of the State's fiscal year to make a sworn statement to the Governor of all amounts received and/or expended by said court or agency and simultaneously with the filing of his report with the Governor, he shall

forward a copy of said report to the State Board of Control. A report from each court shall be filed annually with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each court during the year, the number of cases transferred to and from each court, the number of cases disposed of with proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance, and any other statistical data which may be required by the Governor or State Board of Control.

e. Annual salaries provided for herein shall be paid in twelve equal monthly installments. Printed matter, stationery, materials and supplies in any way authorized (by this bill or other law) to be purchased or contracted for or in behalf of any court or agency thereof named in this bill shall be purchased or contracted for by the Board of Control and in the appropriate general manner provided for the Board of Control in existing laws.

f. No funds appropriated in this bill shall be used to pay any expense of traveling outside the boundaries of the State of Texas or for payment (or reimburse for payment) of any tip or gratuity whatsoever.

g. Each officer, agent or employe of a court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant and/or check issued in his or her name and specifically showing the amount of salary or sum due and the services for which the payment is being made (with date or dates and place or places of performance of such services), such warrant and/or check to be endorsed, before payment therefor, by such officer, agent or employe.

h. Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a postmaster and endorsed by such postmaster or his deputy or authorized clerk.

i. That portion of every appropriation out of State funds or local receipts made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 8. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 9. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

Sec. 10. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1935, and ending August 31, 1937, and the crowded condition of the calendars of the two houses of the Legislature, create an emergency and an imperative public necessity, requiring the constitutional rule, that bills be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Recapitulation—Judiciary Appropriation

	For the Years Ending	
	August 31, 1936	August 31, 1937
Court of Civil Appeals, First District, Galveston .....	\$ 24,975.00	\$ 24,975.00
Court of Civil Appeals, Second District, Fort Worth .....	24,825.00	24,825.00
Court of Civil Appeals, Third District, Austin..	24,525.00	24,525.00

	For the Years Ending	
	August 31, 1936	August 31, 1937
Court of Civil Appeals, Fourth District, San Antonio .....	25,825.00	24,825.00
Court of Civil Appeals, Fifth District, Dallas..	24,825.00	24,825.00
Court of Civil Appeals, Sixth District, Texas .....	25,050.00	25,050.00
Court of Civil Appeals, Seventh District, Amarillo .....	24,885.00	24,885.00
Court of Civil Appeals, Eighth District, El Paso .....	24,885.00	24,885.00
Court of Civil Appeals, Ninth District, Beaumont .....	24,825.00	24,825.00
Court of Civil Appeals, Tenth District, Waco..	24,825.00	24,825.00
Court of Civil Appeals, Eleventh District, Eastland .....	24,825.00	24,825.00
Traveling expenses of Judges of Courts of Civil Appeals when sitting in other Districts.....	1,500.00	1,500.00
Total, Courts of Civil Appeals.....	\$ 275,770.00	\$ 274,770.00
Supreme Court and Commission of Appeals, Sections "A" and "B," to aid Supreme Court.\$	92,380.00	\$ 92,380.00
Court of Criminal Appeals, Commission of Appeals to Aid Court of Criminal Appeals, and State's Attorney .....	58,910.00	58,910.00
Judiciary of Comptroller's Department.....	1,522,568.00	1,522,568.00
Grand totals.....	\$ 1,949,628.00	\$ 1,948,628.00
Combined grand total.....	\$3,898,256.00	

Respectfully submitted,

REDDITT,  
VAN ZANDT,  
HOPKINS,  
On the part of the Senate;

LEONARD,  
WOOD of Montague,  
GRAVES,  
ATCHISON,  
FRAZER,  
On the part of the House.

On motion of Mr. Leonard, the report was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 7, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

H. C. R. Nos. 126 and 130, Suspend-  
ing Joint Rules 22, 23, and 32, in or-  
der to take up and consider House  
Bills Nos. 745 and 777.

S. C. R. No. 54, Suspending Joint  
Rules 22, 24, and 32, for the purpose  
of taking up and considering Senate  
Bill No. 333, and House Bill No. 468.

The Senate has adopted conference  
committee report on House Bill No.

320 by the following vote: Yeas, 29;  
nays, 0.

The Senate has passed  
H. J. R. No. 46, Proposing an  
amendment to Article IV of the Con-  
stitution of the State of Texas.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### RELATIVE TO SENATE BILL NO. 149

On motion of Mr. Dunlap of Kle-  
berg, the House refused to grant the  
request of the Senate for a confer-  
ence committee on Senate Bill No.  
149.

HOUSE JOINT RESOLUTION NO. 5  
WITH SENATE AMENDMENTS

Mr. Reed of Bowie called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 5, Proposing an amendment to Section 1-a of Article VIII of the Constitution of the State of Texas, exempting three thousand dollars (\$3,000) of the assessed taxable value of all residence homesteads, as now defined by law, from all State, county, city, town, district, and other political subdivision purposes, etc.

The Speaker laid the resolution before the House, with the Senate amendments.

Mr. Reed of Bowie moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the resolution.

Mr. Greathouse moved to table the motion by Mr. Reed of Bowie.

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—57

Adkins	Hofheinz
Alexander	Huddelston
Ash	Jones of Falls
Atchison	Jones of Wise
Bergman	Keefe
Bradbury	Knetsch
Broyles	Latham
Cagle	Lotief
Canon	Mauritz
Celaya	McFarland
Colson	Morris
Daniel	Nicholson
Davis	Olsen
Davison of Fisher	Palmer
Davison	Petsch
of Eastland	Pope
Dickison	Reed of Dallas
Dunlap of Hays	Roach of Angelina
Dwyer	Roark
England	Rogers
Fisher	Shofner
Ford	Steward
Gibson	Stovall
Glass	Tarwater
Greathouse	Tennyson
Hardin	Tillery
Harris of Archer	Walker
Herzik	Worley
Hodges	Youngblood

## Nays—59

Adamson	Lindsey
Aikin	Lucas
Alsup	Luker
Beck	McCalla
Bourne	McConnell
Burton	McKee
Calvert	Moffett
Collins	Moore
Colquitt	Morrison
Cooper	Newton
Craddock	Padgett
Crossley	Patterson
Fain	Payne
Fox	Quinn
Frazer	Reed of Bowie
Gray	Riddle
Hankamer	Roach of Hunt
Hanna	Roane
Head	Rutta
Holland	Settle
Howard	Spears
Hunt	Stinson
Hunter	Thornton
Hyder	Waggoner
Jackson	Wells
James	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Runnels	Wood of Montague
Jones of Shelby	Young
Lanning	

## Absent

Bradford	Jefferson
Butler of Brazos	King
Butler of Karnes	Lange
Caldwell	Leath
Cowley	Lemens
Dunagan	Leonard
Dunlap of Kleberg	McKinney
Duvall	Morse
Fuchs	Reader
Good	Roberts
Graves	Russell
Harris of Dallas	Scarborough
Hill	Smith
Hoskins	Stanfield

## Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

Question then recurring on the motion by Mr. Reed of Bowie, yeas and nays demanded.

The motion prevailed by the following vote:

## Yeas—72

Adamson	Beck
Aikin	Bergman
Alexander	Bourne
Alsup	Burton
Atchison	Cagle

Calvert	Latham
Canon	Lemens
Collins	Lindsey
Colquitt	Lucas
Cooper	Luker
Craddock	McCalla
Crossley	McConnell
Davison of Fisher	Moffett
Dwyer	Moore
Fain	Morrison
Fox	Padgett
Frazer	Patterson
Fuchs	Payne
Gibson	Quinn
Gray	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Head	Roane
Herzik	Roark
Hodges	Rutta
Holland	Settle
Howard	Spears
Hunt	Stinson
Hunter	Stovall
Hyder	Thornton
Jackson	Waggoner
Jones of Atascosa	Wells
Jones of Runnels	Westfall
Jones of Shelby	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Young

## Nays—47

Adkins	Keefe
Ash	Lotief
Bradbury	Mauritz
Broyles	McFarland
Celaya	McKee
Daniel	Morris
Davis	Newton
Davisson	Nicholson
of Eastland	Olsen
Dickison	Palmer
Dunlap of Hays	Petsch
Duvall	Pope
Fisher	Roach of Angelina
Ford	Roach of Hunt
Glass	Rogers
Greathouse	Shofner
Hardin	Smith
Harris of Archer	Steward
Harris of Dallas	Tarwater
Hofheinz	Tennyson
Huddleston	Tillery
James	Walker
Jones of Falls	Worley
Jones of Wise	Youngblood

## Absent

Bradford	Dunlap of Kleberg
Butler of Brazos	England
Butler of Karnes	Good
Caldwell	Graves
Colson	Hill
Cowley	Hoskins
Dunagan	Jefferson

King	Riddle
Lange	Roberts
Leath	Russell
Leonard	Scarborough
McKinney	Stanfield
Morse	

## Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

Mr. Thornton submitted the following motion:

We move that the House conference committee to be appointed on House Joint Resolution No. 5 be instructed to oppose the inclusion in said House Joint Resolution No. 5 of any provision for over-all tax limitation in any form.

Signed—Thornton, Jones of Wise, Lanning, Morris, Jackson, Calvert, Hankamer, McCalla.

The motion prevailed.

Mr. Glass submitted the following motion:

We move to instruct the conference committee on House Joint Resolution No. 5 to embody in its report a joint resolution for a constitutional amendment which, when adopted by the people, will prohibit the Legislature from ever levying any kind of tax on the necessities of life.

GLASS,  
LOTIEF.

Mr. Alsup raised a point of order on further consideration of the motion by Mr. Glass, on the ground that the motion seeks to embody matter in the resolution which was not contained in the original resolution, and that same would have to be introduced in a resolution taking the regular course in the House.

The Speaker sustained the point of order.

Mr. Cagle moved to reconsider the vote by which the motion by Mr. Reed of Bowie to refer House Joint Resolution No. 5 to a conference committee was adopted.

Mr. Wood of Montague moved to table the motion by Mr. Cagle.

The motion to table was lost.

Question then recurring on the motion by Mr. Cagle, that the House reconsider the vote by which the House refused to concur in Senate amendment to House Joint Resolution No. 5, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

## Yeas—66

Adkins	Jones of Wise
Aikin	Keefe
Atchison	Lange
Bourne	Latham
Bradbury	Leath
Broyles	Lemens
Cagle	Lotief
Canon	Lucas
Collins	Mauritz
Colquitt	McFarland
Craddock	McKee
Daniel	Morris
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Quinn
Dunlap of Hays	Reader
Fain	Reed of Bowie
Ford	Reed of Dallas
Frazer	Riddle
Fuchs	Roach of Hunt
Gibson	Rogers
Glass	Rutta
Greathouse	Settle
Hanna	Shofner
Harris of Dallas	Smith
Herzik	Spears
Hofheinz	Tarwater
Howard	Tennyson
Huddleston	Tillery
Hunt	Walker
James	Westfall
Jefferson	Worley
Jones of Falls	Youngblood
Jones of Shelby	

## Nays—58

Adamson	Hyder
Alexander	Jackson
Alsup	Jones of Atascosa
Ash	Jones of Runnels
Beck	King
Bergman	Knetsch
Burton	Lanning
Butler of Karnes	Lindsey
Calvert	McCalla
Celaya	McConnell
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Crossley	Morrison
England	Olsen
Fisher	Padgett
Fox	Palmer
Good	Patterson
Gray	Payne
Hankamer	Roach of Angelina
Harris of Archer	Roane
Head	Roark
Hill	Russell
Hoskins	Scarborough
Hunter	Steward

Stinson  
Stovall  
Thornton  
Waggoner

Wells  
Wood of Harrison  
Wood of Montague  
Young

## Present—Not Voting

Davis

Hodges

## Absent

Bradford	Hardin
Butler of Brazos	Holland
Caldwell	Leonard
Dickison	Luker
Dunagan	Morse
Dunlap of Kleberg	Petsch
Duvall	Pope
Dwyer	Roberts
Graves	Stanfield

## Absent—Excused

Clayton  
Farmer  
Fitzwater

Hartzog  
Venable

### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 485, "An Act authorizing institutions to issue and sell capital notes of debentures, and declaring an emergency."

S. B. No. 486, "An Act to authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank, now or hereafter organized under the laws of this State, or the conservator, receiver or liquidator thereof, with the consent and approval of the Banking Commissioner; etc."

S. C. R. No. 53, Recalling Senate Bill No. 227 from the Governor's office.

### RELATIVE TO CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 408

Mr. Hunt moved to reconsider the vote by which the conference committee report on House Bill No. 408 was adopted, and asked to have the motion to reconsider spread on the Journal.

### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the



House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stevenson and Mr. Petsch:

H. B. No. 1000, A bill to be entitled "An Act requiring a hunting license of all those over seventeen (17) years of age hunting in certain counties; requiring a fishing license of all those over seventeen (17) years of age fishing in certain counties; fixing the fees for said licenses and the fee to be retained by the collecting officer, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Leonard:

H. B. No. 1002, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo County No. 1, also known as Hidalgo County Water Control and Improvement District No. 3, all that land now lying within the corporate limits of the City of Donna as described by certain metes and bounds, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

Mr. Tennyson moved to introduce at this time and have placed on first reading House Bill No. 1001.

The motion prevailed by the following vote:

Yeas—122

Adamson	Davison of Fisher
Adkins	Davisson
Aikin	of Eastland
Alexander	Dickison
Alsup	Dunagan
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Beck	England
Bergman	Fain
Bourne	Fisher
Bradbury	Ford
Bradford	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Karnes	Gibson
Cagle	Glass
Calvert	Gray
Canon	Hankamer
Celaya	Hanna
Collins	Hardin
Colquitt	Harris of Archer
Colson	Harris of Dallas
Cooper	Head
Cowley	Herzik
Craddock	Hill
Crossley	Hodges
Davis	Hofheinz

Hoskins	Padgett
Howard	Palmer
Huddleston	Patterson
Hunter	Payne
Hyder	Quinn
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Riddle
Jones of Atascosa	Roach of Hunt
Jones of Falls	Roane
Jones of Runnels	Roark
Jones of Shelby	Rogers
Jones of Wise	Russell
Keefe	Rutta
King	Scarborough
Knetsch	Settle
Lanning	Shofner
Latham	Smith
Lemens	Spears
Leonard	Steward
Lindsey	Stinson
Lotief	Stovall
Lucas	Tarwater
Mauritz	Tennyson
McCalla	Thornton
McConnell	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Newton	Young
Nicholson	Youngblood
Olsen	

Absent

Butler of Brazos	Leath
Caldwell	Luker
Daniel	McFarland
Duvall	Morse
Dwyer	Petsch
Good	Pope
Graves	Reader
Greathouse	Roach of Angelina
Holland	Roberts
Hunt	Stanfield
Lange	Tillery

Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Tennyson, Mr. Walker, and Mr. McFarland:

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legisla-

ture, by making provision that re-funding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years from date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency."

Referred to Committee on Education.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. J. R. No. 23, Proposing an amendment to the Constitution, authorizing the Legislature to provide workmen's compensation insurance for employes of the State; etc.

The Senate has adopted

H. C. R. No. 123, Suspending Joint Rules Nos. 22, 23 and 32, that House Bill No. 837 may be taken up and considered until finally passed.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 320

The following conference committee report on House Bill No. 320 was ordered printed in the Journal:

Committee Room,  
Austin, Texas, May 4, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Bill No. 320, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

"H. B. No. 320,

#### A BILL

To Be Entitled

An Act to validate the organization and creation of all school districts, including common school districts,

independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by county boards of trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such district; validating the acts of said county boards of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts, of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. All school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law in this State, and heretofore laid out and established or attempted to be established by the proper officers of any county or by the Legislature of the State of Texas, and heretofore recognized by either State or county authorities as school districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. All acts of the board or boards of trustees in such districts ordering an election or elections, declaring the results of

such elections, levying, attempting or purporting to levy taxes for and on behalf of such school district, and all bonds issued and now outstanding, and all bonds heretofore voted but not yet issued, are hereby in all things validated. The fact that by inadvertence or oversight any act of the officers of any county in the creation of any district was omitted shall in no wise invalidate such district, and the fact that by inadvertence or oversight any act was omitted by the board of trustees of any such district in ordering an election or elections, or in declaring the results thereof, or in levying the taxes for such district, or in the issuance of the bonds of any such district, shall in no wise invalidate any of such proceedings or any bonds so issued by such districts.

All acts of the county boards of trustees of any and all counties in rearranging, changing or subdividing such school districts or increasing or decreasing the area thereof, in any school district of any kind, or in creating new districts out of parts of existing districts or otherwise, are hereby in all things validated.

Provided, however, that no action or resolution purporting to transfer any territory from one district to another district, without an affirmative vote of the voters of the districts affected shall be validated by the passage of this Act.

Sec. 2. All school districts mentioned in this Act are hereby authorized and empowered to levy, assess, and collect the same rate of tax as is now being levied, assessed, and collected therein and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any Act, whether general or special, by the Legislature.

Sec. 3. This law shall not apply to any district, the organization or creation of which is now involved in litigation. Provided further, that this Act shall not apply to any district which may have been established or consolidated and which has later returned to its original status and has been so recognized by the proper authorities, provided, however, if and when any such litigation shall be finally terminated, in a manner favorable to such district, then this Act shall apply thereto.

Sec. 4. If any word, phrase, clause, sentence, paragraph, section, or part of this bill shall be held by any court

of competent jurisdiction to be invalid, as unconstitutional, or for other reasons, it shall not affect any other word, phrase, clause, sentence, paragraph, section, or part of this Act.

Sec. 5. The fact that the legal existence of various school districts may be questioned creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

MARTIN,  
SMALL,  
DUGGAN,  
SULAK,  
COTTEN,

On the part of the Senate;

LEMENS,  
ROGERS,  
LANNING,  
PETSCH,  
COLSON,

On the part of the House.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 581

The following conference committee report on House Bill No. 581 was ordered printed in the Journal:

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and House of Representatives, on House Bill No. 581, have had the same under consideration, and recommend to the Senate and House of Representatives that House Bill No. 581, in its original or in the form passed by the Senate or the House, do not pass, but recommend that in lieu thereof the Senate and House do pass House Bill No. 581 in the attached form.

"H. B. No. 581,

A BILL

To Be Entitled

An Act defining the terms or phrases "Commission", "order of the Com-

mission", "oil", "crude oil", "gas", "product", "unlawful oil", "unlawful product", "unlawful gas", "tender", "manifest", "person", "shipping paper", "delivery ticket"; empowering Commission agents, any highway patrolman or peace officer on probable cause to stop and inspect motor vehicles transporting oil or products and without warrants to arrest any driver violating provisions of this Act; making it an offense for any person to knowingly transport, receive, or deliver by truck or motor vehicle, or by pipe line, railroad, boat, or barge any unlawful product or unlawful oil; making it an offense for any person to knowingly receive, deliver, or transport by truck or motor vehicle, or by pipe line, railroad, boat, or barge oil or any product without authority of a tender when one is required under any order of the Railroad Commission; making it an offense for the operator of motor vehicle transporting oil or products to fail to obtain and carry a manifest covering the shipment; prescribing the duties of the shipper and transporter of oil and products with reference to tenders, manifest, and shipping papers; fixing penalties for all such offenses and for violating any provision of this Act; making it an offense for any person transporting oil or products by truck or motor vehicle to wilfully and knowingly fail to stop such vehicle when commanded to do so by Commission agent or any patrolman or peace officer and making it an offense for such person to fail to permit inspection by such agent or officer of the contents of or shipping papers accompanying such vehicles; providing penalties therefor; providing no criminal action shall be maintained involving Railroad Commission rule, regulation or order or amendment or modification thereof until after such rule, regulation, or order or amendment or modification thereof has been promulgated by publishing a complete copy of same in three (3) newspapers for three (3) consecutive days, and that on and after seventh (7th) day after date of last publication such order or amendment shall be enforceable in a criminal action; providing certificate under seal of Railroad Commission setting forth terms of rule, regulation, or order and certifying

adoption, promulgation and publication shall be prima facie evidence of such facts and admissible in evidence in any criminal action; empowering Railroad Commission agents and all State rangers with authority to serve criminal or judicial process; providing where same may be served and how such officers shall make their returns; providing such officers shall receive no extra compensation; providing in complaint, information or indictment alleging violation of any order of the Commission it shall be sufficient to allege the substance of such order or terms thereof alleged to have been violated; fixing the venue of all prosecutions under this Act; declaring all unlawful oil and unlawful products to be a nuisance and providing for a forfeiture thereof to the State and providing for the method of enforcing such forfeiture and for the sale, costs, and fees for such actions of forfeiture and for the impounding pending such actions of all such unlawful oil and unlawful products; providing provisions of this Act shall be cumulative of Civil Code, Penal Code, and Code of Criminal Procedure and remedies herein shall be cumulative of other remedies in such statutes; providing that the proceedings in rem for forfeiture shall be in addition to and cumulative of criminal penalties; exempting from the provisions of this Act products of petroleum in the hands of the purchaser at retail for the operation of the motor vehicle in which contained; declaring legislative intent to enact each separate provision of this Act independently and that if any clause of this Act is declared unconstitutional same shall not affect any other part of this Act; providing that any person whose application for a tender is rejected or whose application is not acted on within twenty (20) days from date of filing of such application, may appeal from decision of Commission's agent by filing a petition in the District Court of Travis County, Texas; providing that Commission's agent authorized to consider applications for tenders shall endorse on rejected applications reasons for rejecting same; providing that district court hearing petition relative to rejection or failure to grant tender may sustain, modify or rescind any ruling of

Commission's agent and may issue such restraining orders or injunctions as facts may warrant; providing that upon filing of such petition in the district court the clerk thereof shall issue a written notice to the Commission stating the nature of the cause of action set forth in such petition and that no hearing on such petition may be had until after five (5) days from the date of issuance of such notice, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms.

(a) The word "Commission" shall mean the Railroad Commission of Texas. The phrase "order of the Commission" shall include any rule, regulation or order adopted by the Railroad Commission of Texas pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925, and all amendments thereto.

(b) The word "oil" or phrase "crude oil" herein used shall include crude petroleum oil in its natural state as produced and crude petroleum oil from which only the basic sediment and water have been removed. The word "gas" herein used shall include natural gas, bradenhead gas, casinghead gas, and gas produced from an oil or gas well.

(c) The word "product" shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of petroleum and/or any and all liquid products or by-products derived from crude petroleum oil or gas, whether hereinabove enumerated or not.

(d) "Unlawful oil", as that term is used herein, shall include oil which has been produced within the State of Texas from any well or wells in excess of the amount allowed by any order of the Commission, and oil which has been produced within said State in violation of any law of said State or in violation of any order of the Commission, and shall include any oil transported in violation of any

such law or in violation of any such order.

(e) "Unlawful product" shall be construed to include any product or any part of which was processed or derived in whole or in part from unlawful oil or from any product of unlawful oil, or from unlawful gas, or which is transported in violation of any order of the Commission or in violation of any law of Texas.

(f) "Unlawful gas" shall be construed to include gas produced or transported in violation of any order of the Commission or so produced or transported in violation of any law of Texas.

(g) The word "tender" shall mean a permit or certificate of clearance for the transportation of oil or products approved and issued or registered under the authority of the Commission.

The form of any tender and the application therefor shall be prescribed by order of the Commission and shall show the name and address of the shipper or person tendering oil or products for transportation, name and address of the transporting agency (where such order requires the transporter to be designated), quantity and true classification of each commodity authorized to be transported, place or places where delivery will be made to the transporting agency, and such other related data as may be prescribed by order of the Commission. A tender shall bear a date and serial number, shall show its expiration date, and shall be executed by the agent or agents authorized by the Commission to deny, approve or register tenders. No tender shall be approved or registered by such agent authorizing the shipment or transportation of any unlawful oil or unlawful product.

(h) The word "manifest" shall be construed to include any document issued by a shipper covering oil or products to be transported by truck or other motor vehicle.

The form of a manifest may be prescribed by order of the Commission, and shall bear a certificate signed by the shipper stating the amount of oil or products and each of them to be transported. A manifest shall show, when required by order of the Commission, the date and serial number of the tender, if a tender is required, authorizing such transportation, or

any seal or number or other evidence of such tender, the amount and classification of each such product to be transported, the name and address of the transporting agency, name and address of shipper, name and address of consignee, if known, the name and address of the driver or operator of such truck or vehicle; the number on the license plate on such truck or vehicle; the day, hour and place where such truck or vehicle was loaded and the destination, if known, of such load, and such other related data as may be required by order of the Commission. If the form of manifest is not prescribed by order of the Commission, each shipper required to issue a manifest to a transporter shall utilize the form of manifest commonly used in commercial transactions or the form of manifest required by any State agency or department of this State to accompany the movement of gasoline.

(i) The word "person" shall include natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, or representative of any kind.

(j) The phrase "shipping papers" shall be construed to include bills of lading covering oil or products transported by railway, manifests covering oil or products transported by truck or motor vehicle, and any written document covering oil or products transported by pipe line, boat, or barge. The phrase "delivery ticket" shall be construed to include any expense bill or written document covering oil or products delivered.

Sec. 2. (a) Whenever, by order of the Commission, a tender is required before oil or products may be transported, and whenever pursuant to such order, an agent of the Commission approves and issues or registers a tender authorizing the transportation of oil or products by trucks or motor vehicles, it shall be the duty of the person obtaining such tender to sign and issue a manifest to the operator of each such truck or motor vehicle, which manifest shall show the date and serial number of the tender authorizing such transportation; a separate manifest shall be issued for each load carried by such truck or motor vehicle. The person obtaining such tender shall not transport or deliver or cause or permit to be transported or delivered any more nor any different commodity than is authorized

by such tender. Each transporter authorized to transport oil or products on a manifest issued by a shipper shall not receive for transportation any different commodity than is described in such manifest and shall not receive oil or products in excess of the amount authorized by such manifest. The person authorized to transport oil or products by a manifest issued by a shipper, which manifest bears on its face the date and serial number of such tender, may rely upon the manifest delivered to him, and each consignee or person to whom oil or a product covered by such manifest is delivered by such transporter may rely upon such manifest as authority for receiving the commodity delivered, provided such manifest appears to be valid on its face, is signed by the shipper, and bears the certificate of the shipper that the transportation of such oil or products is authorized by the tender, the date and serial number of which is shown on such manifest.

(b) Whenever, pursuant to any order of the Commission, the transportation of oil or products by truck or motor vehicle is prohibited without a manifest showing the date and serial number of a tender authorizing such transportation, it shall be unlawful for any person to transport by truck or motor vehicle any oil or products without having or carrying in such truck or vehicle at all times between the point of origin and point of destination of such shipment a manifest bearing the date and serial number of the tender authorizing such transportation; and it shall be unlawful for any person to ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without furnishing the operator of such truck or motor vehicle a manifest bearing the date and serial number of such tender, authorizing such shipment or transportation; provided, if the person to whom such tender is issued is the operator of such truck or motor vehicle and such tender identifies the truck or motor vehicle by license number and covers one load, such tender in lieu of a manifest may be carried in said truck or vehicle. Products shipped or transported in violation of this section shall be deemed to be unlawful products. Oil shipped or transported in violation of this section shall be deemed to be unlawful oil.

(c) It shall be the duty of every person who transports any oil or products by truck or motor vehicle, under conditions that require a tender or manifest as herein provided, to secure from each person to whom any part of such oil or products is delivered a receipt upon the reverse side of said tender or manifest, which receipt shall contain the number of gallons of oil and of each product delivered, the date of delivery and the signature and address of the purchaser or consignee of said oil or products. It shall be the duty of every person who transports any oil or products by truck or motor vehicle and makes deliveries thereof to keep in this State for a period of two years every such tender or manifest issued to him, together with the receipts and endorsements thereon. Such tenders or manifests shall at all times be subject to the inspection of the Commission, its agents and inspectors.

Sec. 3. In order to enforce the provisions of this Act every agent of the Commission, highway patrolman, sheriff, constable and all peace officers of this State are empowered to stop any motor vehicle which may appear to be transporting oil or products, for the purpose of taking samples of the cargo and inspecting the shipping papers of such motor vehicle, provided such agent or officer shall have probable cause and reasonable grounds to believe that such vehicle is transporting any unlawful oil or unlawful products. If upon examination of such motor vehicle it is found that the same is transporting any unlawful oil or unlawful product, or is transporting any oil or product without authority of a tender required by order of the Commission, such authorized agent or officer shall, with or without warrant, arrest the driver thereof and carry him before the nearest justice of the peace and file a complaint under this Act against such driver. In any criminal action involving the provisions of this Act, no fee shall be allowed any such agent, patrolman, sheriff, constable, or other officer for executing any warrant of arrest or *capias* or for making any arrest with or without a warrant.

Sec. 4. (a) Every person who transports by truck or motor vehicle, oil or products, who shall wilfully and knowingly fail to stop such truck or vehicle, when commanded to do so by any agent of the Commission or by

any authorized officer or who shall wilfully fail to permit inspection by such agent or officer of the contents of or the shipping papers accompanying such truck or vehicle, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

(b) Every person who shall knowingly violate any provision of Section 2 of this Act, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle over any public highway, in this State any unlawful oil or unlawful product, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive from any truck or motor vehicle or knowingly deliver to any truck or motor vehicle any oil or product not covered by a tender authorizing the transportation thereof whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

(c) Whenever by order of the Commission a tender is required before oil or products may be transported or received for transportation by pipe line, railroad, boat, or barge, and whenever pursuant to such order an authorized agent of the Commission approves or registers and issues to an initial transporter by pipe line, railroad, boat, or barge a tender covering oil or products, such initial transporter may deliver to any connecting carrier or consignee the amount of oil or products covered by such tender, but shall not transport or deliver any more nor any different commodity than is authorized by such tender. Whenever such order provides that connecting carriers or consignees may rely upon the shipping papers executed by such initial transporter as authority to transport or receive the oil or products covered by such shipping papers; provided such shipping papers show the date and serial number of the tender issued to the initial transporter, each such connecting carrier receiving oil or products from another transporter by pipe line, railroad, boat, or barge, and each consignee receiving oil or products by pipe line, railroad, boat, or barge under authority of shipping

papers bearing the date and serial number of a tender issued to an initial transporter shall be deemed to be receiving such oil or products by authority of a tender under the provisions of this Act.

(d) Every person who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, railroad, boat, or barge any unlawful product or unlawful oil, or who shall knowingly receive or deliver for transportation by pipe line, rail, boat, or barge any unlawful product or unlawful oil, or who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, rail, boat, or barge oil or any product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive or deliver by pipe line, rail, boat, or barge oil or any product without authority of a tender whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Sec. 5. Whenever the Commission shall have adopted, after notice and hearing, as provided under other statutes of the State, any rule, regulation or order pursuant to any statute of this State, no criminal action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commission shall have promulgated such rule, regulation or order by publishing a complete copy of same in three (3) newspapers of general circulation in the State of Texas (such newspapers to be selected by said Commission) once each day for three (3) consecutive days, and on and after the seventh (7th) day after the date of the last publication such rule, regulation or order shall be effective and enforceable in any criminal action, brought pursuant to this Act. No criminal action shall be maintained against any person involving the violation of any provision of any amendment or modification of any order of the Commission until the Commission shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended or modified rule, regulation or order in three (3) newspapers of general circulation once each day for

three (3) consecutive days, and, on and after the seventh (7th) calendar day of the last publication, such amendment or modification of such rule, regulation or order shall become effective and enforceable in any criminal action brought pursuant to this Act. However, the absence of promulgation by publication as herein provided shall not affect the enforcement of any order of the Commission in any civil or quasi civil action brought pursuant to this Act or to any statute of this State.

Sec. 6. A certificate under the seal of the Commission executed by any member or the Secretary thereof, setting forth the terms of any order of the Commission and that it has been adopted, promulgated and published and was in effect at any date or during any period specified in such certificate, shall be prima facie evidence of all such facts, and such certificate shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption or publication and without further proof of its contents.

Sec. 7. In all prosecutions, criminal actions, cases, proceedings or suits involving the enforcement of the provisions of this Act or of any order of the Commission, all State rangers and all agents of the Commission shall have the power and authority to serve any criminal or judicial process, warrant, subpoena or writ just the same and as fully as any sheriff, constable or peace officer is authorized under existing laws when so directed by the court issuing such process. Such rangers and such agents of the Commission may serve such process, warrant and subpoena anywhere within the State of Texas, although it may be directed to any sheriff or constable of a particular county. They shall make the same return as any other officer, sign their name and add thereunder the title of (in the case of a State ranger), "State Ranger", and (in the case of an agent of the Commission) the words "Agent, Railroad Commission of Texas", which shall be sufficient to make it valid if the writ is otherwise properly made out. No fees of any kind for such services shall be allowed such State rangers or agents of the Railroad Commission other than their regular salary or compensation.



Sec. 8. (a) In any complaint, information, or indictment alleging a violation of an order of the Commission, it shall not be necessary to set forth fully the terms of such order, and it shall be sufficient therein to allege the substance of the order, or the pertinent term or terms thereof alleged to have been violated.

(b) In any criminal action filed pursuant to this Act, a certificate executed by any member of the Commission or by the secretary thereof showing the amount of allowable oil which may be produced per day or during a stated period from any oil well or wells, proof of any production from which is involved in such criminal action, shall be admissible in evidence and shall be prima facie evidence of the facts therein stated.

(c) The venue of a criminal action maintained pursuant to this Act is hereby fixed in the county where the oil or products involved in such criminal action is received or delivered, or in any county in or through which such oil or product is transported.

(d) Nothing herein shall restrict or limit the power of the Commission to adopt rules, regulations, or orders pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

Sec. 9. Whenever an application for a tender is rejected by an authorized agent of the Commission, it shall be the duty of such agent to return one copy of such application to the applicant, endorsing thereon all the reasons for such rejection. Such applicant whose tender may be rejected shall have the right to appeal from any action of such agent by filing a petition in the District Court of Travis County, Texas, against the Commission, for a review of the ruling of such agent. The court hearing such petition shall have the power to sustain, modify or overrule any action of such agent relative to a tender application and to issue such restraining orders or injunctions as the facts may warrant. It shall be the duty of the clerk of the court wherein such petition is filed to issue to the Commission a notice setting forth briefly the cause of action stated in such petition. But the court shall not enter any order on any such petition until after a hearing thereon to be heard not less than five (5) days from

the issuance of such notice. Any person whose application for tender is not acted on within twenty (20) days from the date of its filing shall have the right of appeal in the same manner above provided for appealing from a rejection of a tender application. Any person dissatisfied with the decision of the district court may appeal to the Court of Civil Appeals.

Sec. 10. (a) All unlawful oil and unlawful products, regardless of the date of production or manufacture thereof, are hereby declared to be a nuisance and shall be forfeited to the State as hereinafter provided. It shall be the duty of the Commission, its servants, agents, and employes, highway patrolmen, sheriffs, constables and peace officers, upon the discovery of any unlawful oil or unlawful products, to file immediately with the Attorney General of Texas a report giving a description of such unlawful oil and/or unlawful products, including the ownership, party in possession, the amount, the location and classification thereof.

(b) When the Attorney General is advised from any source of the presence and existence of unlawful oil and/or unlawful products it shall be his duty to institute a suit in rem against such unlawful oil and/or unlawful product and against all persons owning, claiming or in possession thereof, such suit to be brought in the name of the State of Texas in any court of competent jurisdiction in Travis County or in the county in which such oil or product is located. If it shall appear to the court from an examination of the petition or after hearing evidence thereon at a preliminary hearing that unlawful oil and/or unlawful products mentioned in the petition are in danger of being removed, wasted, lost, or destroyed, the court is authorized and required, in term time or in vacation, to issue restraining orders or injunctive relief, either mandatory or prohibitive, or to appoint a receiver to take charge of the oil or product in question, or to direct the sheriff of the county in which the unlawful oil or unlawful products are located to seize and impound the same until further orders of the court.

(c) Notice of pendency of such suit shall be served in the manner prescribed by law; either party to said suit may demand a trial by jury on any issue of fact raised by the

pleadings and the case shall proceed to trial as other civil cases. If, upon the trial of such suit the oil or product in controversy is found to be unlawful oil or unlawful products, then the court trying said cause shall render judgment forfeiting the same to the State of Texas and authorizing the issuance of an order of sale directed to the sheriff or any constable of the county where the oil or products are located commanding such officer to seize and sell said property in the same manner as personal property is sold under execution. The court may order the oil or products sold in whole or in part as may be deemed proper and the sale shall be conducted at the courthouse door of the county where the oil and/or products are located and shall conform in all respects to the sale of personal property as aforesaid. The money realized from the sale of any such unlawful oil and/or products shall be applied, first, to the payment of the costs of suit and expenses incident to the sale of such oil and/or products after such expenses have been approved and allowed by the court trying the case, and all funds then remaining shall be remitted forthwith to the State Treasurer and shall be by the Treasurer placed to the credit of the General Revenue Fund of the State of Texas.

(d) The officers of said court shall receive the same fees provided by law for other civil actions. Provided further that the sheriff executing said sale shall issue a bill of sale or certificate to the purchaser of said oil and/or products and the Commission shall, upon the presentation of said certificate of clearance, issue a tender, if a tender is required, permitting the purchaser of said oil and/or products to move the same into commerce.

Sec. 11. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code and the Code of Criminal Procedure, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code and the Code of Criminal Procedure.

Sec. 12. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any section, word, clause, sentence, or part of this Act shall be declared unconstitutional, shall in no

event affect any other section, word, clause, sentence or part thereof.

Sec. 13. The provisions of this Act shall not apply to the retail purchase of the products of petroleum where such products so purchased at retail are contained in the ordinary equipment of a motor vehicle and are used only for the operation of such motor vehicle in which contained.

Sec. 14. The fact that the laws of this State are now inadequate to provide for an accurate check of the amount of oil and gas being produced within this State and the fact that a great many landowners of this State are being defrauded of their proper royalty interest in oil and gas being produced and that existing laws do not adequately provide sufficient remedies and penalties for enforcing the rules, regulations and orders of the Railroad Commission of Texas, and the fact that by reason of the inadequacies of existing laws, the State of Texas is being defrauded of a vast amount of revenue being derived under the gross production tax laws of the State of Texas, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days, be suspended, and said rule is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is hereby so enacted.

Respectfully submitted,

PACE,  
REDDITT,  
SMALL,  
STONE,

On the part of the Senate;

DUVALL,  
WELLS,  
ROBERTS,  
STEWART,  
WALKER,

On the part of the House.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 680

The following conference committee report was ordered printed in the Journal:

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and Senate, on House Bill No. 680, beg leave to submit the following report:

We have had House Bill No. 680 under consideration, and recommend the adoption of the attached bill as rewritten by your conference committee:

"H. B. No. 680,

#### A BILL

#### To Be Entitled

An Act regulating the use of State-owned motor vehicles by employes of State departments, bureaus, commissions, institutions and agencies in political campaigns; providing said cars may not be used except for carrying out business of the State; providing any one violating the provisions of this Act shall be dismissed from the State's employ; providing no employe of the State shall campaign or solicit votes in any manner whatever for the head of his department or any other candidate seeking public office; providing no car may be used for the personal or family use of an employe; fixing penalties, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. No employe of any State department, bureau, commission, institution, or agency of the State Government shall use in any manner any State-owned motor vehicle for any purpose, except in carrying out business of the State, nor for any political purpose nor in any political campaign whatsoever. Any person violating any provision of this Act shall be immediately retired from the State's employment.

Sec. 2. No employe in any department or branch of the State Government or State relief organization shall campaign or solicit votes in any manner whatever for the head of his or her department or any other candidate seeking public office. If any person whose salary is paid in whole or in part out of State funds, except elective officers, shall devote the working hours of his time for which he is paid by the State, or uses any State-owned automobile and/or automobile, the operation expenses of which are paid by the State, for political campaign purposes, he shall be deemed

guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$200, or be confined in jail for more than thirty (30) days, or by both such fine and imprisonment, and shall be discharged at once. And in event any citizen of this State shall file a civil complaint with any district court in Travis County, Texas, charging any such employe with any such use of his time or State-owned automobile, such court shall set such complaint for hearing on some date not more than twenty (20) or less than ten (10) days after the date of the filing of such complaint, and shall cause notice to be served on such employe for at least five (5) days prior to the date of such hearing, and if, upon such hearing, such court shall determine that such employe has used his time and/or a State-owned automobile as charged in the complaint, said court shall certify such fact to the department employing such person and order his immediate discharge. Any person against whom such charges shall have been filed shall have the right of appeal to the Court of Civil Appeals, but the pendency of such appeal shall in no wise suspend his discharge.

Sec. 3. No person who may be employed by the State of Texas shall ever use any State-owned automobile for his own personal use, or for the use of his family, and it shall be the duty of the head of each department of State Government, which is furnished any automobile by the State of Texas, to require all such automobiles to be painted with the words "The State of Texas", together with the name of the department to which such automobile is assigned, on each side of said car, in the most contrasting color, letters of at least three inches in height.

Sec. 4. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or be confined in the county jail for not more than six (6) months, or be punished by both such fine and imprisonment in jail.

Sec. 5. The fact that State-owned automobiles are reputed to have been used in political campaigns throughout the State and the crowded condi-

tion of the calendar, create an emergency and an imperative public necessity that the constitutional rule, requiring that bills be read on three several days, be, and the same is hereby, suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

PACE,  
HOLBROOK,  
HILL,  
WESTERFELD,  
POAGE,

On the part of the Senate;

HARDIN,  
McFARLAND,  
HUDDLESTON,  
HUNT,  
DAVISSON of Eastland,

On the part of the House.

#### ADJOURNMENT

Mr. Alsup moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Quinn moved that the House recess to 8 o'clock p. m., today.

Mr. Dunagan moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Alsup, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—73

Adamson	Frazer
Aikin	Hankamer
Alsup	Hanna
Ash	Hardin
Atchison	Harris of Dallas
Beck	Head
Bourne	Hill
Bradbury	Hodges
Burton	Hofheinz
Butler of Karnes	Hoskins
Cagle	Hunter
Calvert	Hyder
Canon	Jackson
Colquitt	James
Cooper	Jones of Atascosa
Cowley	Keefe
Crossley	King
Daniel	Lange
Dickison	Lanning
Dunlap of Hays	Leath
Dunlap of Kleberg	Lemens
Duvall	Leonard
Ford	Lindsey

Mauritz	Roane
McCalla	Rogers
McFarland	Russell
McKinney	Scarborough
Moffett	Settle
Morris	Shofner
Morrison	Spears
Newton	Stinson
Payne	Tarwater
Reader	Waggoner
Reed of Bowie	Westfall
Reed of Dallas	Wood of Montague
Roach of Angelina	Young
Roach of Hunt	

#### Nays—59

Adkins	Jones of Shelby
Alexander	Jones of Wise
Bergman	Knetsch
Bradford	Latham
Broyles	Lotief
Celaya	Lucas
Collins	Luker
Colson	McConnell
Craddock	McKee
Davis	Moore
Davison of Fisher	Nicholson
Davisson	Olsen
of Eastland	Padgett
Dunagan	Patterson
England	Petsch
Fain	Pope
Fisher	Quinn
Fox	Riddle
Fuchs	Roark
Gibson	Rutta
Glass	Steward
Gray	Stovall
Greathouse	Tennyson
Harris of Archer	Thornton
Herzik	Tillery
Howard	Walker
Huddleston	Wells
Jefferson	Wood of Harrison
Jones of Falls	Worley
Jones of Runnels	Youngblood

#### Absent

Butler of Brazos	Hunt
Caldwell	Morse
Dwyer	Palmer
Good	Roberts
Graves	Smith
Holland	Stanfield

#### Absent—Excused

Clayton	Hartzog
Farmer	Venable
Fitzwater	

The House, accordingly, at 5:40 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution as follows:

Judicial Districts: Senate Bill No. 528, and House Bill No. 529.

State Affairs: House Concurrent Resolution No. 140.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association, or corporation to pack for sale, sell, or offer for sale, wheat flour or other cereal flour and corn meal only in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package, and making it unlawful for wheat flour, other cereal flour and corn meal to be packed for sale, offered for sale, or sold within this State unless it shall be so labeled, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 996, A bill to be entitled "An Act making an emergency appropriation for the Texas State Prison System for the purpose of returning to relatives, bodies of convicts whose families are in indigent circumstances, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

## REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 730, "An Act authorizing the county board of trustees in counties having a population of not less than thirteen thousand, six hundred (13,600) nor more than thirteen thousand, six hundred and fifty (13,650), and in all counties containing a population of not less than fifteen thousand, two hundred (15,200), and not more than fifteen thousand, seven hundred (15,700), as shown by the last preceding Federal Census, to set aside a certain amount of the available school fund apportioned to such counties, to defray certain expenses in the administration of the scholastic affairs of such counties with limitations; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 119, Suspending Joint Rules Nos. 22, 23, 24 and 32 until House Bills Nos. 601 and 996 are finally disposed of,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 121, Suspending Joint Rules Nos. 23, 24 and 32 until House Bills Nos. 929 and 930 are finally disposed of,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 19, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section, to be known as Section 51-b,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 122, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 730,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 754, "An Act prohibiting the taking or possession of any squirrel or quail in Shelby County for a period of two (2) years following the passage of this Act; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 328, "An Act to amend Chapter 116, General Laws, Forty-third Legislature, Regular Session, 1933, the same being House Bill No. 122, printed at page 288, General Laws of the State of Texas, passed by the Forty-third Legislature at the

Regular Session, 1933, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 907, "An Act amending Article 637, of the Penal Code of Texas, 1925 Edition, by adding thereto another section to be known as Section 2, which provides that if upon a hearing the justice of the peace, county judge or district judge before whom the cause is pending finds that the property seized or any portion thereof is used as equipment or paraphernalia for a gambling house and was being used for gambling purposes and that said property is useful and valuable and can be used for legal purposes, he may in his discretion by order of the court declare the same confiscated and cause the same to be delivered to the State of Texas, or to any political subdivision thereof or to any State institution for its use and benefit; providing for the officers' return; and providing that if this law or any part thereof is declared unconstitutional it shall not affect the remaining part thereof or any other law or laws, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 838, "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt and Wood Counties for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,  
Austin, Texas, May 4, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 911, "An Act providing

that it shall be unlawful to take or  
kill squirrel in Cherokee County dur-  
ing certain months; providing pen-  
alty for the violation thereof, and de-  
claring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ATCHISON, Chairman.

## In Memory of Billy M. Thompson

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Mr. Worley offered the following resolution:

Whereas, Billy M. Thompson of Odessa was today called to his final reward in a most untimely accident near Midland, Texas; and

Whereas, The deceased was the younger brother of our illustrious and esteemed Chairman of the Texas Railroad Commission, Colonel Ernest O. Thompson; and

Whereas, Though only 22 years of age, this young man had carved a place in the civic, social and business life among those that knew him best which only he can fill, and leaves this life on the threshold of a future of achievement and success; and

Whereas, His death cast a shadow of darkness and pall of sadness on his family and host of friends; now, therefore, be it

Resolved, That the House of Representatives of the Forty-fourth Legislature of Texas express its deepest sympathy to his wife, family, and all bereaved by his passing; and be it further

Resolved, That a page in the House Journal be dedicated to his memory and that a copy of this resolution be forwarded to each surviving member of his family, and that a suitable floral offering be sent in the name of the House of Representatives; and be it further

Resolved, That when the House stands adjourned today it do so in honor and in memory of Billy M. Thompson.

WORLEY,  
LATHAM,  
TARWATER,  
ALEXANDER,  
ROGERS,

STANFIELD,  
MOFFETT,  
DUNAGAN,  
JONES of Wise,  
BRADFORD.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dickison, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Keefe, King, Knetsch, Lange, Lanning, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Steward, Stinson, Stovall, Tenyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Hardin, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.